

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 1-10, 1-11, 1-12, 1-13, 1-15.30, 1-15.50,  
6 1-15.80, 1-15.107, 1-15.108, 1-15.110, 5-5, 5-25, 5-30, 10-20,  
7 15-20, 15-25, 15-30, 15-35, 20-5, 20-10, 20-15, 20-25, 20-30,  
8 20-35, 20-40, 20-43, 20-50, 20-80, 20-95, 20-120, 20-155,  
9 20-160, 25-60, 25-65, 25-80, 30-22, 30-30, 35-30, 35-40, 40-5,  
10 40-15, 40-20, 40-25, 40-55, 45-10, 45-20, 45-30, 45-35, 45-45,  
11 45-57, 45-67, 45-70, 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-13,  
12 50-14, 50-20, 50-25, 50-35, 50-36, 50-37, 50-38, 50-39, 50-40,  
13 50-45, 50-70, 55-10 and by adding Sections 1-15.01, 1-15.02,  
14 1-15.12, 1-15.13, 1-15.17, 1-15.51, 1-15.52, 1-15.86,  
15 1-15.111, 15-40, and 15-45 as follows:

16 (30 ILCS 500/1-10)

17 Sec. 1-10. Application.

18 (a) This Code applies only to procurements for which  
19 bidders, offerors, potential contractors, or contractors were  
20 first solicited on or after July 1, 1998. This Code shall not  
21 be construed to affect or impair any contract, or any provision  
22 of a contract, entered into based on a solicitation prior to  
23 the implementation date of this Code as described in Article

1 99, including but not limited to any covenant entered into with  
2 respect to any revenue bonds or similar instruments. All  
3 procurements for which contracts are solicited between the  
4 effective date of Articles 50 and 99 and July 1, 1998 shall be  
5 substantially in accordance with this Code and its intent.

6 (b) This Code shall apply regardless of the source of the  
7 funds with which the contracts are paid, including federal  
8 assistance moneys. This Code shall not apply to:

9 (1) Contracts between the State and its political  
10 subdivisions or other governments, or between State  
11 governmental bodies except as specifically provided in  
12 this Code.

13 (2) Grants, except for the filing requirements of  
14 Section 20-80.

15 (3) Purchase of care.

16 (4) Hiring of an individual as employee and not as an  
17 independent contractor, whether pursuant to an employment  
18 code or policy or by contract directly with that  
19 individual.

20 (5) Collective bargaining contracts.

21 (6) Purchase of real estate, except that notice of this  
22 type of contract with a value of more than \$25,000 must be  
23 published in the Procurement Bulletin within 10 calendar 7  
24 days after the deed is recorded in the county of  
25 jurisdiction. The notice shall identify the real estate  
26 purchased, the names of all parties to the contract, the

1 value of the contract, and the effective date of the  
2 contract.

3 (7) Contracts necessary to prepare for anticipated  
4 litigation, enforcement actions, or investigations,  
5 provided that the chief legal counsel to the Governor shall  
6 give his or her prior approval when the procuring agency is  
7 one subject to the jurisdiction of the Governor, and  
8 provided that the chief legal counsel of any other  
9 procuring entity subject to this Code shall give his or her  
10 prior approval when the procuring entity is not one subject  
11 to the jurisdiction of the Governor.

12 (8) Contracts for services to Northern Illinois  
13 University by a person, acting as an independent  
14 contractor, who is qualified by education, experience, and  
15 technical ability and is selected by negotiation for the  
16 purpose of providing non-credit educational service  
17 activities or products by means of specialized programs  
18 offered by the university.

19 (9) Procurement expenditures by the Illinois  
20 Conservation Foundation when only private funds are used.

21 (10) Procurement expenditures by the Illinois Health  
22 Information Exchange Authority involving private funds  
23 from the Health Information Exchange Fund. "Private funds"  
24 means gifts, donations, and private grants.

25 (11) Public-private agreements entered into according  
26 to the procurement requirements of Section 20 of the

1 Public-Private Partnerships for Transportation Act and  
2 design-build agreements entered into according to the  
3 procurement requirements of Section 25 of the  
4 Public-Private Partnerships for Transportation Act.

5 (12) Contracts for legal, financial, and other  
6 professional and artistic services entered into on or  
7 before December 31, 2018 by the Illinois Finance Authority  
8 in which the State of Illinois is not obligated. Such  
9 contracts shall be awarded through a competitive process  
10 authorized by the Board of the Illinois Finance Authority  
11 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
12 50-35, and 50-37 of this Code, as well as the final  
13 approval by the Board of the Illinois Finance Authority of  
14 the terms of the contract.

15 Notwithstanding any other provision of law, contracts  
16 entered into under item (12) of this subsection (b) shall be  
17 published in the Procurement Bulletin within 14 calendar days  
18 after contract execution. The chief procurement officer shall  
19 prescribe the form and content of the notice. The Illinois  
20 Finance Authority shall provide the chief procurement officer,  
21 on a monthly basis, in the form and content prescribed by the  
22 chief procurement officer, a report of contracts that are  
23 related to the procurement of goods and services identified in  
24 item (12) of this subsection (b). At a minimum, this report  
25 shall include the name of the contractor, a description of the  
26 supply or service provided, the total amount of the contract,

1 the term of the contract, and the exception to the Code  
2 utilized. A copy of each of these contracts shall be made  
3 available to the chief procurement officer immediately upon  
4 request. The chief procurement officer shall submit a report to  
5 the Governor and General Assembly no later than November 1 of  
6 each year that shall include, at a minimum, an annual summary  
7 of the monthly information reported to the chief procurement  
8 officer.

9 (c) This Code does not apply to the electric power  
10 procurement process provided for under Section 1-75 of the  
11 Illinois Power Agency Act and Section 16-111.5 of the Public  
12 Utilities Act.

13 (d) Except for Section 20-160 and Article 50 of this Code,  
14 and as expressly required by Section 9.1 of the Illinois  
15 Lottery Law, the provisions of this Code do not apply to the  
16 procurement process provided for under Section 9.1 of the  
17 Illinois Lottery Law.

18 (e) This Code does not apply to the process used by the  
19 Capital Development Board to retain a person or entity to  
20 assist the Capital Development Board with its duties related to  
21 the determination of costs of a clean coal SNG brownfield  
22 facility, as defined by Section 1-10 of the Illinois Power  
23 Agency Act, as required in subsection (h-3) of Section 9-220 of  
24 the Public Utilities Act, including calculating the range of  
25 capital costs, the range of operating and maintenance costs, or  
26 the sequestration costs or monitoring the construction of clean

1 coal SNG brownfield facility for the full duration of  
2 construction.

3 (f) This Code does not apply to the process used by the  
4 Illinois Power Agency to retain a mediator to mediate sourcing  
5 agreement disputes between gas utilities and the clean coal SNG  
6 brownfield facility, as defined in Section 1-10 of the Illinois  
7 Power Agency Act, as required under subsection (h-1) of Section  
8 9-220 of the Public Utilities Act.

9 (g) This Code does not apply to the processes used by the  
10 Illinois Power Agency to retain a mediator to mediate contract  
11 disputes between gas utilities and the clean coal SNG facility  
12 and to retain an expert to assist in the review of contracts  
13 under subsection (h) of Section 9-220 of the Public Utilities  
14 Act. This Code does not apply to the process used by the  
15 Illinois Commerce Commission to retain an expert to assist in  
16 determining the actual incurred costs of the clean coal SNG  
17 facility and the reasonableness of those costs as required  
18 under subsection (h) of Section 9-220 of the Public Utilities  
19 Act.

20 (h) This Code does not apply to the process to procure or  
21 contracts entered into in accordance with Sections 11-5.2 and  
22 11-5.3 of the Illinois Public Aid Code.

23 (i) Each chief procurement officer may access records  
24 necessary to review whether a contract, purchase, or other  
25 expenditure is or is not subject to the provisions of this  
26 Code, unless such records would be subject to attorney-client

1 privilege.

2 (j) This Code does not apply to the process used by the  
3 Capital Development Board to retain an artist or work or works  
4 of art as required in Section 14 of the Capital Development  
5 Board Act.

6 (k) This Code does not apply to the process to procure  
7 contracts, or contracts entered into, by the State Board of  
8 Elections or the State Electoral Board for hearing officers  
9 appointed pursuant to the Election Code.

10 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,  
11 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;  
12 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
13 98-572, eff. 1-1-14; revised 9-9-13.)

14 (30 ILCS 500/1-11)

15 Sec. 1-11. Applicability of certain Public Acts. The  
16 changes made to this Code by Public Act 96-793, Public Act  
17 96-795, and this amendatory Act of the 96th General Assembly  
18 apply to those procurements for which bidders, offerors,  
19 vendors, potential contractors, or contractors were first  
20 solicited on or after July 1, 2010.

21 (Source: P.A. 96-920, eff. 7-1-10.)

22 (30 ILCS 500/1-12)

23 (Section scheduled to be repealed on December 31, 2016)

24 Sec. 1-12. Applicability to artistic or musical services.

1           (a) This Code shall not apply to procurement expenditures  
2 necessary to provide artistic or musical services,  
3 performances, or theatrical productions held at a venue  
4 operated or leased by a State agency.

5           (b) Notice of each contract entered into by a State agency  
6 that is related to the procurement of goods and services  
7 identified in this Section shall be published in the Illinois  
8 Procurement Bulletin within 14 calendar days after contract  
9 execution. The chief procurement officer shall prescribe the  
10 form and content of the notice. Each State agency shall provide  
11 the chief procurement officer, on a monthly basis, in the form  
12 and content prescribed by the chief procurement officer, a  
13 report of contracts that are related to the procurement of  
14 goods and services identified in this Section. At a minimum,  
15 this report shall include the name of the contractor, a  
16 description of the supply or service provided, the total amount  
17 of the contract, the term of the contract, and the exception to  
18 the Code utilized. A copy of any or all of these contracts  
19 shall be made available to the chief procurement officer  
20 immediately upon request. The chief procurement officer shall  
21 submit a report to the Governor and General Assembly no later  
22 than November 1 of each year that shall include, at a minimum,  
23 an annual summary of the monthly information reported to the  
24 chief procurement officer.

25           (c) This Section is repealed December 31, 2016.

26           (Source: P.A. 97-895, eff. 8-3-12.)

1 (30 ILCS 500/1-13)

2 (Section scheduled to be repealed on December 31, 2014)

3 Sec. 1-13. Applicability to public institutions of higher  
4 education.

5 (a) This Code shall apply to public institutions of higher  
6 education, regardless of the source of the funds with which  
7 contracts are paid, except as provided in this Section.

8 (b) Except as provided in this Section, this Code shall not  
9 apply to procurements made by or on behalf of public  
10 institutions of higher education for any of the following:

11 (1) Memberships in professional, academic, research,  
12 or athletic organizations on behalf of a public institution  
13 of higher education, an employee of a public institution of  
14 higher education, or a student at a public institution of  
15 higher education.

16 (2) Procurement expenditures for events or activities  
17 paid for exclusively by revenues generated by the event or  
18 activity, gifts or donations for the event or activity,  
19 private grants, or any combination thereof.

20 (3) Procurement expenditures for events or activities  
21 for which the use of specific potential contractors ~~vendors~~  
22 is mandated or identified by the sponsor of the event or  
23 activity, provided that the sponsor is providing a majority  
24 of the funding for the event or activity.

25 (4) Procurement expenditures necessary to provide

1 artistic or musical services, performances, or productions  
2 held at a venue operated by a public institution of higher  
3 education.

4 (5) Procurement expenditures for periodicals and books  
5 procured for use by a university library or academic  
6 department, except for expenditures related to procuring  
7 textbooks for student use or materials for resale or  
8 rental.

9 (6) Procurement expenditures for placement of students  
10 in externships, practicums, field experiences, and medical  
11 residencies and rotations.

12 (7) Contracts for programming and broadcast license  
13 rights for university-operated radio and television  
14 stations.

15 Notice of each contract entered into by a public institution of  
16 higher education that is related to the procurement of goods  
17 and services identified in items (1) through (7) ~~(5)~~ of this  
18 subsection shall be published in the Procurement Bulletin  
19 within 14 calendar days after contract execution. The Chief  
20 Procurement Officer shall prescribe the form and content of the  
21 notice. Each public institution of higher education shall  
22 provide the Chief Procurement Officer, on a monthly basis, in  
23 the form and content prescribed by the Chief Procurement  
24 Officer, a report of contracts that are related to the  
25 procurement of goods and services identified in this  
26 subsection. At a minimum, this report shall include the name of

1 the contractor, a description of the supply or service  
2 provided, the total amount of the contract, the term of the  
3 contract, and the exception to the Code utilized. A copy of any  
4 or all of these contracts shall be made available to the Chief  
5 Procurement Officer immediately upon request. The Chief  
6 Procurement Officer shall submit a report to the Governor and  
7 General Assembly no later than November 1 of each year that  
8 shall include, at a minimum, an annual summary of the monthly  
9 information reported to the Chief Procurement Officer.

10 (b-5) Except as provided in this subsection, the provisions  
11 of this Code shall not apply to contracts for FDA-regulated  
12 supplies, and to contracts for medical services necessary for  
13 the delivery of care and treatment at medical, dental, or  
14 veterinary teaching facilities utilized by Southern Illinois  
15 University or the University of Illinois. Other supplies and  
16 services needed for these teaching facilities shall be subject  
17 to the jurisdiction of the Chief Procurement Officer for Public  
18 Institutions of Higher Education who may establish expedited  
19 procurement procedures and may waive or modify certification,  
20 contract, hearing, process and registration requirements  
21 required by the Code. All procurements made under this  
22 subsection shall be documented and may require publication in  
23 the Illinois Procurement Bulletin.

24 (c) Procurements made by or on behalf of public  
25 institutions of higher education for any of the following shall  
26 be made in accordance with the requirements of this Code to the

1 extent practical as provided in this subsection:

2 (1) Contracts with a foreign entity necessary for  
3 research or educational activities, provided that the  
4 foreign entity either does not maintain an office in the  
5 United States or is the sole source of the service or  
6 product.

7 (2) (Blank). ~~Procurements of FDA regulated goods,~~  
8 ~~products, and services necessary for the delivery of care~~  
9 ~~and treatment at medical, dental, or veterinary teaching~~  
10 ~~facilities utilized by the University of Illinois or~~  
11 ~~Southern Illinois University.~~

12 (3) (Blank). ~~Contracts for programming and broadcast~~  
13 ~~license rights for university operated radio and~~  
14 ~~television stations.~~

15 (4) Procurements required for fulfillment of a grant.

16 Upon the written request of a public institution of higher  
17 education, the Chief Procurement Officer may waive  
18 registration, certification, and hearing requirements of this  
19 Code if, based on the item to be procured or the terms of a  
20 grant, compliance is impractical. The public institution of  
21 higher education shall provide the Chief Procurement Officer  
22 with specific reasons for the waiver, including the necessity  
23 of contracting with a particular potential contractor ~~vendor~~,  
24 and shall certify that an effort was made in good faith to  
25 comply with the provisions of this Code. The Chief Procurement  
26 Officer shall provide written justification for any waivers. By

1 November 1 of each year, the Chief Procurement Officer shall  
2 file a report with the General Assembly identifying each  
3 contract approved with waivers and providing the justification  
4 given for any waivers for each of those contracts. Notice of  
5 each waiver made under this subsection shall be published in  
6 the Procurement Bulletin within 14 calendar days after contract  
7 execution. The Chief Procurement Officer shall prescribe the  
8 form and content of the notice.

9 (d) Notwithstanding this Section, a waiver of the  
10 registration requirements of Section 20-160 does not permit a  
11 business entity and any affiliated entities or affiliated  
12 persons to make campaign contributions if otherwise prohibited  
13 by Section 50-37. The total amount of contracts awarded in  
14 accordance with this Section shall be included in determining  
15 the aggregate amount of contracts or pending bids of a business  
16 entity and any affiliated entities or affiliated persons.

17 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
18 this Code, the Chief Procurement Officer, with the approval of  
19 the Executive Ethics Commission, may permit a public  
20 institution of higher education to accept a bid or enter into a  
21 contract with a business that assisted the public institution  
22 of higher education in determining whether there is a need for  
23 a contract or assisted in reviewing, drafting, or preparing  
24 documents related to a bid or contract, provided that the bid  
25 or contract is essential to research administered by the public  
26 institution of higher education and it is in the best interest

1 of the public institution of higher education to accept the bid  
2 or contract. For purposes of this subsection, "business"  
3 includes all individuals with whom a business is affiliated,  
4 including, but not limited to, any officer, agent, employee,  
5 consultant, independent contractor, director, partner,  
6 manager, or shareholder of a business. The Executive Ethics  
7 Commission may promulgate rules and regulations for the  
8 implementation and administration of the provisions of this  
9 subsection (e).

10 (f) As used in this Section:

11 "Grant" means non-appropriated funding provided by a  
12 federal or private entity to support a project or program  
13 administered by a public institution of higher education and  
14 any non-appropriated funding provided to a sub-recipient of the  
15 grant.

16 "Public institution of higher education" means Chicago  
17 State University, Eastern Illinois University, Governors State  
18 University, Illinois State University, Northeastern Illinois  
19 University, Northern Illinois University, Southern Illinois  
20 University, University of Illinois, Western Illinois  
21 University, and, for purposes of this Code only, the Illinois  
22 Mathematics and Science Academy.

23 (g) This Section is repealed on December 31, 2016 ~~2014~~.

24 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12.)

25 (30 ILCS 500/1-15.01 new)

1       Sec. 1-15.01. Bid. "Bid" means the response submitted by a  
2 bidder in a competitive sealed bidding process, to an  
3 invitation for bid, or to a multi-step sealed bidding process.

4       (30 ILCS 500/1-15.02 new)

5       Sec. 1-15.02. Bidder. "Bidder" means one who submits a  
6 response in a competitive sealed bidding process, to an  
7 invitation for bid, or to a multi-step sealed bidding process.

8       (30 ILCS 500/1-15.12 new)

9       Sec. 1-15.12. Change order. "Change order" means a change  
10 in a contract term, other than as specifically provided for in  
11 the contract, which authorizes or necessitates any increase or  
12 decrease in the cost of the contract or the time for completion  
13 for procurements subject to the jurisdiction of the chief  
14 procurement officers appointed pursuant to Section 10-20.

15       (30 ILCS 500/1-15.13 new)

16       Sec. 1-15.13. Chief Procurement Office. "Chief Procurement  
17 Office" means the offices to which the chief procurement  
18 officers are appointed pursuant to Section 10-20.

19       (30 ILCS 500/1-15.17 new)

20       Sec. 1-15.17. Contractor. "Contractor" means any person  
21 having a contract with a State agency as defined in Section  
22 1-15.30.

1 (30 ILCS 500/1-15.30)

2 Sec. 1-15.30. Contract. "Contract" means all types of State  
3 agreements, ~~including change orders and renewals,~~ regardless  
4 of what they may be called, for the procurement, use, or  
5 disposal of supplies, services, professional or artistic  
6 services, or construction or for leases of real property where  
7 the State is the , ~~whether the State is lessor or lessee,~~ or  
8 capital improvements, and including renewals, master  
9 contracts, contracts for financing through use of installment  
10 or lease-purchase arrangements, renegotiated contracts,  
11 amendments to contracts, and change orders.

12 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
13 for the effective date of changes made by P.A. 96-795).)

14 (30 ILCS 500/1-15.50)

15 Sec. 1-15.50. Negotiation. "Negotiation" means the process  
16 of selecting a contractor other than by competitive sealed  
17 bids, multi-step sealed bidding, or competitive sealed  
18 proposals, whereby a purchasing agency can establish any and  
19 all terms and conditions of a procurement contract by  
20 discussion with one or more potential ~~prospective~~ contractors.

21 (Source: P.A. 90-572, eff. 2-6-98.)

22 (30 ILCS 500/1-15.51 new)

23 Sec. 1-15.51. Offer. "Offer" means a response submitted by

1 an offeror in a competitive sealed proposal process or to a  
2 request for proposal.

3 (30 ILCS 500/1-15.52 new)

4 Sec. 1-15.52. Offeror. "Offeror" means any person who  
5 submits a proposal in response to a competitive sealed proposal  
6 process or a request for proposals.

7 (30 ILCS 500/1-15.80)

8 Sec. 1-15.80. Responsible bidder, potential contractor, or  
9 offeror. "Responsible bidder, potential contractor, or  
10 offeror" means a person who has the capability in all respects  
11 to perform fully the contract requirements and the integrity  
12 and reliability that will assure good faith performance. A  
13 responsible bidder or offeror shall not include a business or  
14 other entity that does not exist as a legal entity at the time  
15 a bid or offer ~~or proposal~~ is submitted for a State contract.

16 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
17 for the effective date of changes made by P.A. 96-795).)

18 (30 ILCS 500/1-15.86 new)

19 Sec. 1-15.86. Responsive offeror. "Responsive offeror"  
20 means a person who has submitted an offer that conforms in all  
21 material respects to the request for proposals.

22 (30 ILCS 500/1-15.107)

1           Sec. 1-15.107. Subcontract. "Subcontract" means a contract  
2 between a person and a person who has a contract subject to  
3 this Code, pursuant to which the subcontractor provides to the  
4 contractor, or, if the contract price exceeds \$50,000, another  
5 subcontractor, some or all of the goods, services, real  
6 property, remuneration, or other monetary forms of  
7 consideration that are the subject of the primary contract and  
8 includes, among other things, subleases from a lessee of a  
9 State agency. For purposes of this Code, a "subcontract" does  
10 not include purchases of goods or supplies that are incidental  
11 to the performance of a contract by a person who has a contract  
12 subject to this Code.

13           (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
14 for the effective date of P.A. 96-795); 97-895, eff. 8-3-12.)

15           (30 ILCS 500/1-15.108)

16           Sec. 1-15.108. Subcontractor. "Subcontractor" means a  
17 person or entity that enters into a contractual agreement with  
18 a total value of \$50,000 or more with a person or entity who  
19 has a contract subject to this Code pursuant to which the  
20 person or entity provides some or all of the goods, services,  
21 real property, remuneration, or other monetary forms of  
22 consideration that are the subject of the primary State  
23 contract, including subleases from a lessee of a State  
24 contract. For purposes of this Code, a person or entity is not  
25 a "subcontractor" if that person only provides goods or

1 supplies that are incidental to the performance of a contract  
2 by a person who has a contract subject to this Code.

3 (Source: P.A. 96-920, eff. 7-1-10; 97-895, eff. 8-3-12.)

4 (30 ILCS 500/1-15.110)

5 Sec. 1-15.110. Supplies. "Supplies" means all personal  
6 property, including but not limited to equipment, materials,  
7 printing, and insurance, and the financing of those supplies  
8 that can be procured regularly or are available on the  
9 commercial market.

10 (Source: P.A. 90-572, eff. 2-6-98.)

11 (30 ILCS 500/1-15.111 new)

12 Sec. 1-15.111. Supplier. "Supplier" means any person or  
13 entity providing supplies, including, but not limited to,  
14 equipment, materials, printing, and insurance, and the  
15 financing of those supplies that can be procured regularly or  
16 are available on the commercial market.

17 (30 ILCS 500/5-5)

18 Sec. 5-5. Procurement Policy Board.

19 (a) Creation. There is created a Procurement Policy Board,  
20 an agency of the State of Illinois.

21 (b) Authority and duties. The Board shall have the  
22 authority and responsibility to review, comment upon, and  
23 recommend, consistent with this Code, rules and practices

1 governing the procurement, management, control, and disposal  
2 of supplies, services, professional or artistic services,  
3 construction, and real property and capital improvement leases  
4 procured by the State. The Board shall also have the authority  
5 to recommend a program for professional development and provide  
6 opportunities for training in procurement practices and  
7 policies to chief procurement officers and their staffs in  
8 order to ensure that all procurement is conducted in an  
9 efficient, professional, and appropriately transparent manner.

10 Upon a three-fifths vote of its members, the Board may  
11 review a contract. Upon a three-fifths vote of its members, the  
12 Board may propose procurement rules for consideration by chief  
13 procurement officers. These proposals shall be published in  
14 each volume of the Procurement Bulletin. Except as otherwise  
15 provided by law, the Board shall act upon the vote of a  
16 majority of its members who have been appointed and are  
17 serving.

18 (b-5) Reviews, studies, and hearings. The Board may review,  
19 study, and hold public hearings concerning the implementation  
20 and administration of this Code. Each chief procurement  
21 officer, State purchasing officer, procurement compliance  
22 monitor, and State agency shall cooperate with the Board,  
23 provide information to the Board, and be responsive to the  
24 Board in the Board's conduct of its reviews, studies, and  
25 hearings.

26 (c) Members. The Board shall consist of 5 members appointed

1 one each by the 4 legislative leaders and the Governor. Each  
2 member shall have demonstrated sufficient business or  
3 professional experience in the area of procurement to perform  
4 the functions of the Board. No member may be a member of the  
5 General Assembly.

6 (d) Terms. Of the initial appointees, the Governor shall  
7 designate one member, as Chairman, to serve a one-year term,  
8 the President of the Senate and the Speaker of the House shall  
9 each appoint one member to serve 3-year terms, and the Minority  
10 Leader of the House and the Minority Leader of the Senate shall  
11 each appoint one member to serve 2-year terms. Subsequent terms  
12 shall be 4 years. Members may be reappointed for succeeding  
13 terms.

14 (e) Reimbursement. Members shall receive no compensation  
15 but shall be reimbursed for any expenses reasonably incurred in  
16 the performance of their duties.

17 (f) Staff support. Upon a three-fifths vote of its members,  
18 the Board may employ an executive director. Subject to  
19 appropriation, the Board also may employ a reasonable and  
20 necessary number of staff persons.

21 (g) Meetings. Meetings of the Board may be conducted  
22 telephonically, electronically, or through the use of other  
23 telecommunications. Written minutes of such meetings shall be  
24 created and available for public inspection and copying.

25 (h) Procurement recommendations. Upon a three-fifths vote  
26 of its members, the Board may review a proposal, bid, or

1 contract and issue a recommendation to void a contract or  
2 reject a proposal or bid based on any violation of this Code or  
3 the existence of a conflict of interest as described in  
4 subsections (b) and (d) of Section 50-35. A chief procurement  
5 officer or State purchasing officer shall notify the Board if  
6 an alleged conflict of interest or violation of the Code is  
7 identified, discovered, or reasonably suspected to exist. Any  
8 person or entity may notify the Board of an alleged conflict of  
9 interest or violation of the Code. A recommendation of the  
10 Board shall be delivered to the appropriate chief procurement  
11 officer and Executive Ethics Commission within 7 calendar ~~5~~  
12 days and must be published in the next volume of the  
13 Procurement Bulletin. In the event that an alleged conflict of  
14 interest or violation of the Code that was not originally  
15 disclosed with the bid, offer, or proposal is identified and  
16 filed with the Board, the Board shall provide written notice of  
17 the alleged conflict of interest or violation to the bidder,  
18 offeror, potential contractor, contractor, or subcontractor on  
19 that contract. If the alleged conflict of interest or violation  
20 is by the subcontractor, written notice shall also be provided  
21 to the bidder, offeror, potential contractor, or contractor.  
22 The bidder, offeror, potential contractor, contractor, or  
23 subcontractor shall have 15 calendar days to provide a written  
24 response to the notice, and a hearing before the Board on the  
25 alleged conflict of interest or violation shall be held upon  
26 request by the bidder, offeror, potential contractor,

1 contractor, or subcontractor. The requested hearing date and  
2 time shall be determined by the Board, but in no event shall  
3 the hearing occur later than 15 calendar days after the date of  
4 the request.

5 (i) After providing notice and a hearing as required by  
6 subsection (h), the Board shall refer any alleged violations of  
7 this Code to the Executive Inspector General in addition to or  
8 instead of issuing a recommendation to void a contract.

9 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
10 for the effective date of changes made by P.A. 96-795); 97-895,  
11 eff. 8-3-12.)

12 (30 ILCS 500/5-25)

13 Sec. 5-25. Rulemaking authority; agency policy; agency  
14 response.

15 (a) Rulemaking. A chief procurement officer authorized to  
16 make procurements under this Code shall have the authority to  
17 promulgate rules to carry out that authority. The ~~That~~  
18 rulemaking on specific procurement topics ~~is~~ mentioned in  
19 specific Sections of this Code shall not be construed as  
20 prohibiting or limiting rulemaking on other procurement  
21 topics.

22 All rules shall be promulgated in accordance with the  
23 Illinois Administrative Procedure Act. Contractual provisions,  
24 specifications, and procurement descriptions are not rules and  
25 are not subject to the Illinois Administrative Procedure Act.

1 All rules other than those promulgated by the Board shall be  
2 presented in writing to the Board ~~and the Executive Procurement~~  
3 ~~Officer~~ for review and comment. The Board ~~and the Executive~~  
4 ~~Procurement Officer~~ shall express their opinions and  
5 recommendations in writing. The proposed rules and  
6 recommendations shall be made available for public review. The  
7 rules shall also be approved by the Joint Committee on  
8 Administrative Rules.

9 (b) Policy. Each chief procurement officer shall promptly  
10 notify the Procurement Policy Board in writing of any proposed  
11 new procurement rule or policy or any proposed change in an  
12 existing procurement rule or policy.

13 (c) Response. Each State agency must respond promptly in  
14 writing to all inquiries and comments of the Procurement Policy  
15 Board ~~or Executive Procurement Officer~~.

16 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
17 for the effective date of changes made by P.A. 96-795).)

18 (30 ILCS 500/5-30)

19 Sec. 5-30. Proposed contracts; Procurement Policy Board.

20 (a) Except as provided in subsection (c), within 30  
21 calendar days after notice of the awarding or letting of a  
22 contract has appeared in the Procurement Bulletin in accordance  
23 with subsection (b) of Section 15-25, the Board may request in  
24 writing from the contracting agency and the contracting agency  
25 shall promptly, but in no event later than 7 calendar ~~5~~

1 ~~business~~ days after receipt of the request, provide to the  
2 Board, by electronic or other means satisfactory to the Board,  
3 documentation in the possession of the contracting agency  
4 concerning the proposed contract. Nothing in this subsection is  
5 intended to waive or abrogate any privilege or right of  
6 confidentiality authorized by law.

7 (b) No contract subject to this Section may be entered into  
8 until the 30-day period described in subsection (a) has  
9 expired, unless the contracting agency requests in writing that  
10 the Board waive the period and the Board grants the waiver in  
11 writing.

12 (c) This Section does not apply to (i) contracts entered  
13 into under this Code for small and emergency procurements as  
14 those procurements are defined in Article 20 and (ii) contracts  
15 for professional and artistic services that are nonrenewable,  
16 one year or less in duration, and have a value of less than  
17 \$20,000. If requested in writing by the Board, however, the  
18 contracting agency must promptly, but in no event later than 10  
19 calendar ~~8-business~~ days after receipt of the request, transmit  
20 to the Board a copy of the contract for an emergency  
21 procurement and documentation in the possession of the  
22 contracting agency concerning the contract.

23 (Source: P.A. 93-839, eff. 7-30-04.)

24 (30 ILCS 500/10-20)

25 Sec. 10-20. Independent chief procurement officers.

1 (a) Appointment. Within 60 calendar days after the  
2 effective date of this amendatory Act of the 96th General  
3 Assembly, the Executive Ethics Commission, with the advice and  
4 consent of the Senate shall appoint or approve 4 chief  
5 procurement officers, one for each of the following categories:

6 (1) for procurements for construction and  
7 construction-related services committed by law to the  
8 jurisdiction or responsibility of the Capital Development  
9 Board;

10 (2) for procurements for all construction,  
11 construction-related services, operation of any facility,  
12 and the provision of any service or activity committed by  
13 law to the jurisdiction or responsibility of the Illinois  
14 Department of Transportation, including the direct or  
15 reimbursable expenditure of all federal funds for which the  
16 Department of Transportation is responsible or accountable  
17 for the use thereof in accordance with federal law,  
18 regulation, or procedure, the chief procurement officer  
19 recommended for approval under this item appointed by the  
20 Secretary of Transportation after consent by the Executive  
21 Ethics Commission;

22 (3) for all procurements made by a public institution  
23 of higher education; and

24 (4) for all other procurement needs of State agencies.

25 A chief procurement officer shall be responsible to the  
26 Executive Ethics Commission but must be located within the

1 agency that the officer provides with procurement services. The  
2 chief procurement officer for higher education shall have an  
3 office located within the Board of Higher Education, unless  
4 otherwise designated by the Executive Ethics Commission. The  
5 chief procurement officer for all other procurement needs of  
6 the State shall have an office located within the Department of  
7 Central Management Services, unless otherwise designated by  
8 the Executive Ethics Commission.

9 (b) Terms and independence. Each chief procurement officer  
10 appointed under this Section shall serve for a term of 5 years  
11 beginning on the date of the officer's appointment. The chief  
12 procurement officer may be removed for cause after a hearing by  
13 the Executive Ethics Commission. The Governor or the director  
14 of a State agency directly responsible to the Governor may  
15 institute a complaint against the officer by filing such  
16 complaint with the Commission. The Commission shall have a  
17 hearing based on the complaint. The officer and the complainant  
18 shall receive reasonable notice of the hearing and shall be  
19 permitted to present their respective arguments on the  
20 complaint. After the hearing, the Commission shall make a  
21 finding on the complaint and may take disciplinary action,  
22 including but not limited to removal of the officer.

23 The salary of a chief procurement officer shall be  
24 established by the Executive Ethics Commission and may not be  
25 diminished during the officer's term. The salary may not exceed  
26 the salary of the director of a State agency for which the

1 officer serves as chief procurement officer.

2 (c) Qualifications. In addition to any other requirement or  
3 qualification required by State law, each chief procurement  
4 officer must within 12 months of employment be a Certified  
5 Professional Public Buyer or a Certified Public Purchasing  
6 Officer, pursuant to certification by the Universal Public  
7 Purchasing Certification Council, and must reside in Illinois.

8 (d) Fiduciary duty. Each chief procurement officer owes a  
9 fiduciary duty to the State.

10 (e) Vacancy. In case of a vacancy in one or more of the  
11 offices of a chief procurement officer under this Section  
12 during the recess of the Senate, the Executive Ethics  
13 Commission shall make a temporary appointment until the next  
14 meeting of the Senate, when the Executive Ethics Commission  
15 shall nominate some person to fill the office, and any person  
16 so nominated who is confirmed by the Senate shall hold office  
17 during the remainder of the term and until his or her successor  
18 is appointed and qualified. If the Senate is not in session at  
19 the time this amendatory Act of the 96th General Assembly takes  
20 effect, the Executive Ethics Commission shall make a temporary  
21 appointment as in the case of a vacancy.

22 (f) (Blank). ~~Acting chief procurement officers. Prior to~~  
23 ~~August 31, 2010, the Executive Ethics Commission may, until an~~  
24 ~~initial chief procurement officer is appointed and qualified,~~  
25 ~~designate some person as an acting chief procurement officer to~~  
26 ~~execute the powers and discharge the duties vested by law in~~

1 ~~that chief procurement officer. An acting chief procurement~~  
2 ~~officer shall serve no later than the appointment of the~~  
3 ~~initial chief procurement officer pursuant to subsection (a) of~~  
4 ~~this Section. Nothing in this subsection shall prohibit the~~  
5 ~~Executive Ethics Commission from appointing an acting chief~~  
6 ~~procurement officer as a chief procurement officer.~~

7 (g) (Blank). ~~Transition schedule. Notwithstanding any~~  
8 ~~other provision of this Act or this amendatory Act of the 96th~~  
9 ~~General Assembly, the chief procurement officers on the~~  
10 ~~effective date of Public Act 96-793 shall continue to serve as~~  
11 ~~chief procurement officers until August 31, 2010 and shall~~  
12 ~~retain their powers and duties pertaining to procurements,~~  
13 ~~provided the chief procurement officer appointed or approved by~~  
14 ~~the Executive Ethics Commission shall approve any rules~~  
15 ~~promulgated to implement this Code or the provisions of this~~  
16 ~~amendatory Act of the 96th General Assembly. The chief~~  
17 ~~procurement officers appointed or approved by the Executive~~  
18 ~~Ethics Commission shall assume the position of chief~~  
19 ~~procurement officer upon appointment and work in collaboration~~  
20 ~~with the current chief procurement officer and staff. On~~  
21 ~~September 1, 2010, the chief procurement officers appointed by~~  
22 ~~the Executive Ethics Commission shall assume the powers and~~  
23 ~~duties of the chief procurement officers.~~

24 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
25 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

1 (30 ILCS 500/15-20)

2 Sec. 15-20. Qualified bidders or offerors. Subscription to  
3 the Illinois Procurement Bulletin shall not be required to  
4 qualify as a bidder or offeror under this Code.

5 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

6 (30 ILCS 500/15-25)

7 Sec. 15-25. Bulletin content.

8 (a) Invitations for bids. Notice of each and every contract  
9 that is offered, including renegotiated contracts and change  
10 orders, shall be published in the Bulletin. All ~~, and all~~  
11 businesses listed on the Department of Transportation  
12 Disadvantaged Business Enterprise Directory, the Department of  
13 Central Management Services Business Enterprise Program, and  
14 the Chief Procurement Office's Small Business Vendors  
15 Directory, ~~and the Capital Development Board's Directory of~~  
16 ~~Certified Minority and Female Business Enterprises~~ shall be  
17 furnished written instructions and information on how to  
18 register on each Procurement Bulletin maintained by the State.  
19 Such information shall be provided to each business within 30  
20 calendar days after the business' notice of certification. The  
21 applicable chief procurement officer may provide by rule an  
22 organized format for the publication of this information, but  
23 in any case it must include at least the date first offered,  
24 the date submission of offers is due, the location that offers  
25 are to be submitted to, the purchasing State agency, the

1 responsible State purchasing officer, a brief purchase  
2 description, the method of source selection, information of how  
3 to obtain a comprehensive purchase description and any  
4 disclosure and contract forms, and encouragement to potential  
5 contractors ~~prospective vendors~~ to hire qualified veterans, as  
6 defined by Section 45-67 of this Code, and qualified Illinois  
7 minorities, women, persons with disabilities, and residents  
8 discharged from any Illinois adult correctional center.

9 (b) Contracts let. Notice of each and every contract that  
10 is let, including renegotiated contracts and change orders,  
11 shall be issued electronically to those bidders ~~or offerors~~  
12 submitting responses to the solicitations, inclusive of the  
13 unsuccessful bidders, immediately upon contract let. Failure  
14 of any chief procurement officer to give such notice shall  
15 result in tolling the time for filing a bid protest up to 7  
16 calendar ~~5 business~~ days.

17 For purposes of this subsection (b), "contracts let" means  
18 a construction agency's act of advertising an invitation for  
19 bids for one or more construction projects. ~~The apparent low~~  
20 ~~bidder's award and all other bids from bidders responding to~~  
21 ~~solicitations shall be posted on the agency's website the next~~  
22 ~~business day.~~

23 (b-5) Contracts awarded. Notice of each and every contract  
24 that is awarded, including renegotiated contracts and change  
25 orders, shall be issued electronically to the successful  
26 responsible bidder, ~~or offeror,~~ or contractor ~~posted on the~~

1 ~~agency's website the next business day,~~ and published in the  
2 next available subsequent Bulletin. The applicable chief  
3 procurement officer may provide by rule an organized format for  
4 the publication of this information, but in any case it must  
5 include at least all of the information specified in subsection  
6 (a) as well as the name of the successful responsible bidder,  
7 ~~or~~ offeror, the contract price, the number of unsuccessful  
8 ~~responsive~~ bidders or offerors, and any other disclosure  
9 specified in any Section of this Code. This notice must be  
10 posted in the online electronic Bulletin prior to execution of  
11 the contract.

12 For purposes of this subsection (b-5), "contract award"  
13 means the determination that a particular bidder or offeror has  
14 been selected from among other bidders or offerors to receive a  
15 contract, subject to the successful completion of final  
16 negotiations. "Contract award" is evidenced by the posting of a  
17 Notice of Award or a Notice of Intent to Award to the  
18 respective volume of the Illinois Procurement Bulletin.

19 (c) Emergency purchase disclosure. Any chief procurement  
20 officer or State purchasing officer exercising emergency  
21 purchase authority under this Code shall publish a written  
22 description and reasons and the total cost, if known, or an  
23 estimate if unknown and the name of the responsible chief  
24 procurement officer and State purchasing officer, and the  
25 business or person contracted with for all emergency purchases  
26 in the next timely, practicable Bulletin. This notice must be

1 posted in the online electronic Bulletin no later than 5  
2 calendar ~~3-business~~ days after the contract is awarded. Notice  
3 of a hearing to extend an emergency contract must be posted in  
4 the online electronic Procurement Bulletin no later than 14  
5 calendar ~~5-business~~ days prior to the hearing.

6 (c-5) Business Enterprise Program report. Each purchasing  
7 agency shall, with the assistance of the applicable chief  
8 procurement officer, post in the online electronic Bulletin a  
9 copy of its annual report of utilization of businesses owned by  
10 minorities, females, and persons with disabilities as  
11 submitted to the Business Enterprise Council for Minorities,  
12 Females, and Persons with Disabilities pursuant to Section 6(c)  
13 of the Business Enterprise for Minorities, Females, and Persons  
14 with Disabilities Act within 10 calendar ~~business~~ days after  
15 its submission of its report to the Council.

16 (c-10) Renewals. Notice of each contract renewal shall be  
17 posted in the online electronic Bulletin within 14 calendar ~~10~~  
18 ~~business~~ days of the determination to renew the contract and  
19 the next available subsequent Bulletin. The notice shall  
20 include at least all of the information required in subsection  
21 (b).

22 (c-15) Sole source procurements. Before entering into a  
23 sole source contract, a chief procurement officer exercising  
24 sole source procurement authority under this Code shall publish  
25 a written description of intent to enter into a sole source  
26 contract along with a description of the item to be procured

1 and the intended sole source contractor. This notice must be  
2 posted in the online electronic Procurement Bulletin before a  
3 sole source contract is awarded and at least 14 calendar days  
4 before the hearing required by Section 20-25.

5 (d) Other required disclosure. The applicable chief  
6 procurement officer shall provide by rule for the organized  
7 publication of all other disclosure required in other Sections  
8 of this Code in a timely manner.

9 (e) The changes to subsections (b), (c), (c-5), (c-10), and  
10 (c-15) of this Section made by this amendatory Act of the 96th  
11 General Assembly apply to reports submitted, offers made, and  
12 notices on contracts executed on or after its effective date.

13 (f) Each chief procurement officer shall, in consultation  
14 with the agencies under his or her jurisdiction, provide the  
15 Procurement Policy Board with the information and resources  
16 necessary, and in a manner, to effectuate the purpose of this  
17 amendatory Act of the 96th General Assembly.

18 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
19 for the effective date of changes made by P.A. 96-795);  
20 96-1444, eff. 8-20-10; 97-895, eff. 8-3-12.)

21 (30 ILCS 500/15-30)

22 Sec. 15-30. Electronic Bulletin clearinghouse.

23 (a) The Procurement Policy Board shall maintain on its  
24 official website a searchable database containing all  
25 information required to be included in the Illinois Procurement

1 Bulletin under subsections (b), (c), (c-10), and (c-15) of  
2 Section 15-25 and all information required to be disclosed  
3 under Section 50-41. The posting of procurement information on  
4 the website is subject to the same posting requirements as the  
5 online electronic Bulletin.

6 (b) For the purposes of this Section, searchable means  
7 searchable and sortable by successful responsible bidder, ~~or~~  
8 offeror, potential contractor, or contractor, for emergency  
9 purchases, business or person contracted with; the contract  
10 price or total cost; the service or good; the purchasing State  
11 agency; and the date first offered or announced.

12 (c) The applicable chief procurement officer shall provide  
13 the Procurement Policy Board the information and resources  
14 necessary, and in a manner, to effectuate the purpose of this  
15 Section.

16 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
17 for the effective date of changes made by P.A. 96-795); 97-895,  
18 eff. 8-3-12.)

19 (30 ILCS 500/15-35)

20 Sec. 15-35. Vendor portal. Each chief procurement officer  
21 may, in consultation with the agencies under his or her  
22 jurisdiction and the Procurement Policy Board, establish a  
23 vendor portal. The vendor portal shall allow a potential  
24 ~~prospective~~ vendor to provide certifications, disclosures,  
25 registrations, and other documentation needed to do business

1 with a State agency in advance of any particular procurement. A  
2 potential ~~prospective~~ vendor who registers with the vendor  
3 portal and provides this information may submit its  
4 registration number, with a confirmation that the portal  
5 information remains current, as part of its response to a  
6 competitive selection or a contracting process, rather than  
7 submit the same information in full. One or more chief  
8 procurement officers may jointly operate a vendor portal if a  
9 single portal would better serve the needs of the State  
10 agencies and the vendor community. A chief procurement officer  
11 may accept, for use on procurements and contracts under his or  
12 her jurisdiction, the registration from another chief  
13 procurement officer's vendor portal. This Section applies  
14 notwithstanding any laws to the contrary except for later  
15 enacted laws that specifically refer to this Section.

16 Nothing in this Section shall preclude a State agency from  
17 implementing its own pre-qualification, certification,  
18 disclosure, and registration requirements necessary to conduct  
19 and manage its program operation.

20 This Section does not apply to any contract for any project  
21 as to which federal funds are available for expenditure when  
22 its provisions may be in conflict with federal law or federal  
23 regulation.

24 (Source: P.A. 97-895, eff. 8-3-12.)

1       Sec. 15-40. Method of notices and reports. Notices and  
2       reports required by any Section of this Code may be made by  
3       either paper or electronic means.

4           (30 ILCS 500/15-45 new)

5       Sec. 15-45. Computation of days. The time within which any  
6       act provided in this Code is to be done shall be computed by  
7       excluding the first day and including the last, unless the last  
8       day is Saturday or Sunday or is a holiday, and then it shall  
9       also be excluded. If the day succeeding a Saturday, Sunday, or  
10       holiday is also a holiday, a Saturday, or a Sunday, then that  
11       succeeding day shall also be excluded. For the purposes of this  
12       Code, "holiday" means: New Year's Day; Dr. Martin Luther King,  
13       Jr.'s Birthday; Lincoln's Birthday; President's Day; Memorial  
14       Day; Independence Day; Labor Day; Columbus Day; Veterans' Day;  
15       Thanksgiving Day; Christmas Day; and any other day from time to  
16       time declared by the President of the United States or the  
17       Governor of Illinois to be a day during which the agencies of  
18       the State of Illinois that are ordinarily open to do business  
19       with the public shall be closed for business.

20           (30 ILCS 500/20-5)

21       Sec. 20-5. Method of source selection. Unless otherwise  
22       authorized by law, all State contracts shall be awarded by  
23       competitive sealed bidding, in accordance with Section 20-10,  
24       except as provided in Sections 20-15, 20-20, 20-25, 20-30,

1 20-35, 30-15, and 40-20. The chief procurement officers  
2 appointed pursuant to Section 10-20 may determine the method of  
3 solicitation and contract for all procurements pursuant to this  
4 Code.

5 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

6 (30 ILCS 500/20-10)

7 (Text of Section from P.A. 96-159, 96-588, 97-96, and  
8 97-895)

9 Sec. 20-10. Competitive sealed bidding; reverse auction.

10 (a) Conditions for use. All contracts shall be awarded by  
11 competitive sealed bidding except as otherwise provided in  
12 Section 20-5.

13 (b) Invitation for bids. An invitation for bids shall be  
14 issued and shall include a purchase description and the  
15 material contractual terms and conditions applicable to the  
16 procurement.

17 (c) Public notice. Public notice of the invitation for bids  
18 shall be published in the Illinois Procurement Bulletin at  
19 least 14 calendar days before the date set in the invitation  
20 for the opening of bids.

21 (d) Bid opening. Bids shall be opened publicly in the  
22 presence of one or more witnesses at the time and place  
23 designated in the invitation for bids. The name of each bidder,  
24 the amount of each bid, and other relevant information as may  
25 be specified by rule shall be recorded. After the award of the

1 contract, the winning bid and the record of each unsuccessful  
2 bid shall be open to public inspection.

3 (e) Bid acceptance and bid evaluation. Bids shall be  
4 unconditionally accepted without alteration or correction,  
5 except as authorized in this Code. Bids shall be evaluated  
6 based on the requirements set forth in the invitation for bids,  
7 which may include criteria to determine acceptability such as  
8 inspection, testing, quality, workmanship, delivery, and  
9 suitability for a particular purpose. Those criteria that will  
10 affect the bid price and be considered in evaluation for award,  
11 such as discounts, transportation costs, and total or life  
12 cycle costs, shall be objectively measurable. The invitation  
13 for bids shall set forth the evaluation criteria to be used.

14 (f) Correction or withdrawal of bids. Correction or  
15 withdrawal of inadvertently erroneous bids before or after  
16 award, or cancellation of awards of contracts based on bid  
17 mistakes, shall be permitted in accordance with rules. After  
18 bid opening, no changes in bid prices or other provisions of  
19 bids prejudicial to the interest of the State or fair  
20 competition shall be permitted. All decisions to permit the  
21 correction or withdrawal of bids based on bid mistakes shall be  
22 supported by written determination made by a State purchasing  
23 officer.

24 (g) Award. The contract shall be awarded with reasonable  
25 promptness by written notice to the lowest responsible and  
26 responsive bidder whose bid meets the requirements and criteria

1 set forth in the invitation for bids, except when a State  
2 purchasing officer determines it is not in the best interest of  
3 the State and by written explanation determines another bidder  
4 shall receive the award. The explanation shall appear in the  
5 appropriate volume of the Illinois Procurement Bulletin. The  
6 written explanation must include:

7 (1) a description of the agency's needs;

8 (2) a determination that the anticipated cost will be  
9 fair and reasonable;

10 (3) a listing of all responsible and responsive  
11 bidders; and

12 (4) the name of the bidder selected, the total contract  
13 price, and the reasons for selecting that bidder.

14 Each chief procurement officer may adopt guidelines to  
15 implement the requirements of this subsection (g).

16 The written explanation shall be filed with the Legislative  
17 Audit Commission and the Procurement Policy Board, and be made  
18 available for inspection by the public, within 30 calendar days  
19 after the agency's decision to award the contract.

20 (h) Multi-step sealed bidding. When it is considered  
21 impracticable to initially prepare a purchase description to  
22 support an award based on price, an invitation for bids may be  
23 issued requesting the submission of unpriced offers to be  
24 followed by an invitation for bids limited to those bidders  
25 whose offers have been qualified under the criteria set forth  
26 in the first solicitation.

1           (i) Alternative procedures. Notwithstanding any other  
2 provision of this Act to the contrary, the Director of the  
3 Illinois Power Agency may create alternative bidding  
4 procedures to be used in procuring professional services under  
5 subsection (a) of Section 1-75 and subsection (d) of Section  
6 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)  
7 of the Public Utilities Act and to procure renewable energy  
8 resources under Section 1-56 of the Illinois Power Agency Act.  
9 These alternative procedures shall be set forth together with  
10 the other criteria contained in the invitation for bids, and  
11 shall appear in the appropriate volume of the Illinois  
12 Procurement Bulletin.

13           (j) Reverse auction. Notwithstanding any other provision  
14 of this Section and in accordance with rules adopted by the  
15 chief procurement officer, that chief procurement officer may  
16 procure supplies or services through a competitive electronic  
17 auction bidding process after the chief procurement officer  
18 determines that the use of such a process will be in the best  
19 interest of the State. The chief procurement officer shall  
20 publish that determination in his or her next volume of the  
21 Illinois Procurement Bulletin.

22           An invitation for bids shall be issued and shall include  
23 (i) a procurement description, (ii) all contractual terms,  
24 whenever practical, and (iii) conditions applicable to the  
25 procurement, including a notice that bids will be received in  
26 an electronic auction manner.

1 Public notice of the invitation for bids shall be given in  
2 the same manner as provided in subsection (c).

3 Bids shall be accepted electronically at the time and in  
4 the manner designated in the invitation for bids. During the  
5 auction, a bidder's price shall be disclosed to other bidders.  
6 Bidders shall have the opportunity to reduce their bid prices  
7 during the auction. At the conclusion of the auction, the  
8 record of the bid prices received and the name of each bidder  
9 shall be open to public inspection.

10 After the auction period has terminated, withdrawal of bids  
11 shall be permitted as provided in subsection (f).

12 The contract shall be awarded within 60 calendar days after  
13 the auction by written notice to the lowest responsible bidder,  
14 or all bids shall be rejected except as otherwise provided in  
15 this Code. Extensions of the date for the award may be made by  
16 mutual written consent of the State purchasing officer and the  
17 lowest responsible bidder.

18 This subsection does not apply to (i) procurements of  
19 professional and artistic services, (ii) telecommunications  
20 services, communication services, and information services,  
21 and (iii) contracts for construction projects, including  
22 design professional services.

23 (Source: P.A. 96-159, eff. 8-10-09; 96-588, eff. 8-18-09;  
24 97-96, eff. 7-13-11; 97-895, eff. 8-3-12.)

25 (Text of Section from P.A. 96-159, 96-795, 97-96, and

1 97-895)

2 Sec. 20-10. Competitive sealed bidding; reverse auction.

3 (a) Conditions for use. All contracts shall be awarded by  
4 competitive sealed bidding except as otherwise provided in  
5 Section 20-5.

6 (b) Invitation for bids. An invitation for bids shall be  
7 issued and shall include a purchase description and the  
8 material contractual terms and conditions applicable to the  
9 procurement.

10 (c) Public notice. Public notice of the invitation for bids  
11 shall be published in the Illinois Procurement Bulletin at  
12 least 14 calendar days before the date set in the invitation  
13 for the opening of bids.

14 (d) Bid opening. Bids shall be opened publicly in the  
15 presence of one or more witnesses at the time and place  
16 designated in the invitation for bids. The name of each bidder,  
17 the amount of each bid, and other relevant information as may  
18 be specified by rule shall be recorded. After the award of the  
19 contract, the winning bid and the record of each unsuccessful  
20 bid shall be open to public inspection.

21 (e) Bid acceptance and bid evaluation. Bids shall be  
22 unconditionally accepted without alteration or correction,  
23 except as authorized in this Code. Bids shall be evaluated  
24 based on the requirements set forth in the invitation for bids,  
25 which may include criteria to determine acceptability such as  
26 inspection, testing, quality, workmanship, delivery, and

1 suitability for a particular purpose. Those criteria that will  
2 affect the bid price and be considered in evaluation for award,  
3 such as discounts, transportation costs, and total or life  
4 cycle costs, shall be objectively measurable. The invitation  
5 for bids shall set forth the evaluation criteria to be used.

6 (f) Correction or withdrawal of bids. Correction or  
7 withdrawal of inadvertently erroneous bids before or after  
8 award, or cancellation of awards of contracts based on bid  
9 mistakes, shall be permitted in accordance with rules. After  
10 bid opening, no changes in bid prices or other provisions of  
11 bids prejudicial to the interest of the State or fair  
12 competition shall be permitted. All decisions to permit the  
13 correction or withdrawal of bids based on bid mistakes shall be  
14 supported by written determination made by a State purchasing  
15 officer.

16 (g) Award. The contract shall be awarded with reasonable  
17 promptness by written notice to the lowest responsible and  
18 responsive bidder whose bid meets the requirements and criteria  
19 set forth in the invitation for bids, except when a State  
20 purchasing officer determines it is not in the best interest of  
21 the State and by written explanation determines another bidder  
22 shall receive the award. The explanation shall appear in the  
23 appropriate volume of the Illinois Procurement Bulletin. The  
24 written explanation must include:

25 (1) a description of the agency's needs;

26 (2) a determination that the anticipated cost will be

1 fair and reasonable;

2 (3) a listing of all responsible and responsive  
3 bidders; and

4 (4) the name of the bidder selected, the total contract  
5 price, and the reasons for selecting that bidder.

6 Each chief procurement officer may adopt guidelines to  
7 implement the requirements of this subsection (g).

8 The written explanation shall be filed with the Legislative  
9 Audit Commission and the Procurement Policy Board, and be made  
10 available for inspection by the public, within 30 days after  
11 the agency's decision to award the contract.

12 (h) Multi-step sealed bidding. When it is considered  
13 impracticable to initially prepare a purchase description to  
14 support an award based on price, an invitation for bids may be  
15 issued requesting the submission of unpriced offers to be  
16 followed by an invitation for bids limited to those bidders  
17 whose offers have been qualified under the criteria set forth  
18 in the first solicitation.

19 (i) Alternative procedures. Notwithstanding any other  
20 provision of this Act to the contrary, the Director of the  
21 Illinois Power Agency may create alternative bidding  
22 procedures to be used in procuring professional services under  
23 subsection (a) of Section 1-75 and subsection (d) of Section  
24 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)  
25 of the Public Utilities Act and to procure renewable energy  
26 resources under Section 1-56 of the Illinois Power Agency Act.

1 These alternative procedures shall be set forth together with  
2 the other criteria contained in the invitation for bids, and  
3 shall appear in the appropriate volume of the Illinois  
4 Procurement Bulletin.

5 (j) Reverse auction. Notwithstanding any other provision  
6 of this Section and in accordance with rules adopted by the  
7 chief procurement officer, that chief procurement officer may  
8 procure supplies or services through a competitive electronic  
9 auction bidding process after the chief procurement officer  
10 determines that the use of such a process will be in the best  
11 interest of the State. The chief procurement officer shall  
12 publish that determination in his or her next volume of the  
13 Illinois Procurement Bulletin.

14 An invitation for bids shall be issued and shall include  
15 (i) a procurement description, (ii) all contractual terms,  
16 whenever practical, and (iii) conditions applicable to the  
17 procurement, including a notice that bids will be received in  
18 an electronic auction manner.

19 Public notice of the invitation for bids shall be given in  
20 the same manner as provided in subsection (c).

21 Bids shall be accepted electronically at the time and in  
22 the manner designated in the invitation for bids. During the  
23 auction, a bidder's price shall be disclosed to other bidders.  
24 Bidders shall have the opportunity to reduce their bid prices  
25 during the auction. At the conclusion of the auction, the  
26 record of the bid prices received and the name of each bidder

1 shall be open to public inspection.

2 After the auction period has terminated, withdrawal of bids  
3 shall be permitted as provided in subsection (f).

4 The contract shall be awarded within 60 calendar days after  
5 the auction by written notice to the lowest responsible bidder,  
6 or all bids shall be rejected except as otherwise provided in  
7 this Code. Extensions of the date for the award may be made by  
8 mutual written consent of the State purchasing officer and the  
9 lowest responsible bidder.

10 This subsection does not apply to (i) procurements of  
11 professional and artistic services, (ii) telecommunications  
12 services, communication services, and information services,  
13 and (iii) contracts for construction projects, including  
14 design professional services.

15 (Source: P.A. 96-159, eff. 8-10-09; 96-795, eff. 7-1-10 (see  
16 Section 5 of P.A. 96-793 for the effective date of changes made  
17 by P.A. 96-795); 97-96, eff. 7-13-11; 97-895, eff. 8-3-12.)

18 (30 ILCS 500/20-15)

19 Sec. 20-15. Competitive sealed proposals.

20 (a) Conditions for use. When provided under this Code or  
21 under rules, or when the purchasing agency determines in  
22 writing that the use of competitive sealed bidding is either  
23 not practicable or not advantageous to the State, a contract  
24 may be entered into by competitive sealed proposals.

25 (b) Request for proposals. Proposals shall be solicited

1 through a request for proposals.

2 (c) Public notice. Public notice of the request for  
3 proposals shall be published in the Illinois Procurement  
4 Bulletin at least 14 calendar days before the date set in the  
5 invitation for the opening of proposals.

6 (d) Receipt of proposals. Proposals shall be opened  
7 publicly in the presence of one or more witnesses at the time  
8 and place designated in the request for proposals, but  
9 proposals shall be opened in a manner to avoid disclosure of  
10 contents to competing offerors during the process of  
11 negotiation. A record of proposals shall be prepared and shall  
12 be open for public inspection after contract award.

13 (e) Evaluation factors. The requests for proposals shall  
14 state the relative importance of price and other evaluation  
15 factors. Proposals shall be submitted in 2 parts: the first,  
16 covering items except price; and the second, covering price.  
17 The first part of all proposals shall be evaluated and ranked  
18 independently of the second part of all proposals.

19 (f) Discussion with responsible offerors and revisions of  
20 offers or proposals. As provided in the request for proposals  
21 and under rules, discussions may be conducted with responsible  
22 offerors who submit offers or proposals determined to be  
23 reasonably susceptible of being selected for award for the  
24 purpose of clarifying and assuring full understanding of and  
25 responsiveness to the solicitation requirements. Those  
26 offerors shall be accorded fair and equal treatment with

1 respect to any opportunity for discussion and revision of  
2 proposals. Revisions may be permitted after submission and  
3 before award for the purpose of obtaining best and final  
4 offers. In conducting discussions there shall be no disclosure  
5 of any information derived from proposals submitted by  
6 competing offerors. If information is disclosed to any offeror,  
7 it shall be provided to all competing offerors.

8 (g) Award. Awards shall be made to the responsible offeror  
9 whose proposal is determined in writing to be the most  
10 advantageous to the State, taking into consideration price and  
11 the evaluation factors set forth in the request for proposals.  
12 The contract file shall contain the basis on which the award is  
13 made.

14 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

15 (30 ILCS 500/20-25)

16 Sec. 20-25. Sole source procurements.

17 (a) In accordance with standards set by rule, contracts may  
18 be awarded without use of the specified method of source  
19 selection when there is only one economically feasible source  
20 for the item. A State contract may be awarded as a sole source  
21 procurement unless an interested party submits a written  
22 request for a public hearing at which the chief procurement  
23 officer and purchasing agency present written justification  
24 for the procurement method. Any interested party may present  
25 testimony. A sole source contract where a hearing was requested

1 by an interested party may be awarded after the hearing is  
2 conducted with the approval of the chief procurement officer.

3 (b) This Section may not be used as a basis for amending a  
4 contract for professional or artistic services if the amendment  
5 would result in an increase in the amount paid under the  
6 contract of more than 5% of the initial award, or would extend  
7 the contract term beyond the time reasonably needed for a  
8 competitive procurement, not to exceed 2 months.

9 (c) Notice of intent to enter into a sole source contract  
10 shall be provided to the Procurement Policy Board and published  
11 in the online electronic Bulletin at least 14 calendar days  
12 before the public hearing required in subsection (a). The  
13 notice shall include the sole source procurement justification  
14 form prescribed by the Board, a description of the item to be  
15 procured, the intended sole source contractor, and the date,  
16 time, and location of the public hearing. A copy of the notice  
17 and all documents provided at the hearing shall be included in  
18 the subsequent Procurement Bulletin.

19 (d) By August 1 each year, each chief procurement officer  
20 shall file a report with the General Assembly identifying each  
21 contract the officer sought under the sole source procurement  
22 method and providing the justification given for seeking sole  
23 source as the procurement method for each of those contracts.

24 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
25 for the effective date of changes made by P.A. 96-795); 96-920,  
26 eff. 7-1-10; 97-895, eff. 8-3-12.)

1 (30 ILCS 500/20-30)

2 Sec. 20-30. Emergency purchases.

3 (a) Conditions for use. In accordance with standards set by  
4 rule, a purchasing agency may make emergency procurements  
5 without competitive sealed bidding or prior notice when there  
6 exists a threat to public health or public safety, or when  
7 immediate expenditure is necessary for repairs to State  
8 property in order to protect against further loss of or damage  
9 to State property, to prevent or minimize serious disruption in  
10 critical State services that affect health, safety, or  
11 collection of substantial State revenues, or to ensure the  
12 integrity of State records; provided, however, that the term of  
13 the emergency purchase shall be limited to the time reasonably  
14 needed for a competitive procurement, not to exceed 90 calendar  
15 days. A contract may be extended beyond 90 calendar days if the  
16 chief procurement officer determines additional time is  
17 necessary and that the contract scope and duration are limited  
18 to the emergency. Prior to execution of the extension, the  
19 chief procurement officer must hold a public hearing and  
20 provide written justification for all emergency contracts.  
21 Members of the public may present testimony. Emergency  
22 procurements shall be made with as much competition as is  
23 practicable under the circumstances. A written description of  
24 the basis for the emergency and reasons for the selection of  
25 the particular contractor shall be included in the contract

1 file.

2 (b) Notice. Notice of all emergency procurements shall be  
3 provided to the Procurement Policy Board and published in the  
4 online electronic Bulletin no later than 5 calendar ~~3 business~~  
5 days after the contract is awarded. Notice of intent to extend  
6 an emergency contract shall be provided to the Procurement  
7 Policy Board and published in the online electronic Bulletin at  
8 least 14 calendar days before the public hearing. Notice shall  
9 include at least a description of the need for the emergency  
10 purchase, the contractor, and if applicable, the date, time,  
11 and location of the public hearing. A copy of this notice and  
12 all documents provided at the hearing shall be included in the  
13 subsequent Procurement Bulletin. Before the next appropriate  
14 volume of the Illinois Procurement Bulletin, the purchasing  
15 agency shall publish in the Illinois Procurement Bulletin a  
16 copy of each written description and reasons and the total cost  
17 of each emergency procurement made during the previous month.  
18 When only an estimate of the total cost is known at the time of  
19 publication, the estimate shall be identified as an estimate  
20 and published. When the actual total cost is determined, it  
21 shall also be published in like manner before the 10th day of  
22 the next succeeding month.

23 (c) Affidavits. A chief procurement officer making a  
24 procurement under this Section shall file affidavits with the  
25 Procurement Policy Board and the Auditor General within 10  
26 calendar days after the procurement setting forth the amount

1 expended, the name of the contractor involved, and the  
2 conditions and circumstances requiring the emergency  
3 procurement. When only an estimate of the cost is available  
4 within 10 calendar days after the procurement, the actual cost  
5 shall be reported immediately after it is determined. At the  
6 end of each fiscal quarter, the Auditor General shall file with  
7 the Legislative Audit Commission and the Governor a complete  
8 listing of all emergency procurements reported during that  
9 fiscal quarter. The Legislative Audit Commission shall review  
10 the emergency procurements so reported and, in its annual  
11 reports, advise the General Assembly of procurements that  
12 appear to constitute an abuse of this Section.

13 (d) Quick purchases. The chief procurement officer may  
14 promulgate rules extending the circumstances by which a  
15 purchasing agency may make purchases under this Section,  
16 including but not limited to the procurement of items available  
17 at a discount for a limited period of time.

18 (e) The changes to this Section made by this amendatory Act  
19 of the 96th General Assembly apply to procurements executed on  
20 or after its effective date.

21 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
22 for the effective date of changes made by P.A. 96-795).)

23 (30 ILCS 500/20-35)

24 Sec. 20-35. Competitive selection procedures.

25 (a) Conditions for use. The services specified in Article

1 35 shall be procured in accordance with this Section, except as  
2 authorized under Sections 20-25 and 20-30 of this Article.

3 (b) Statement of qualifications. Respondents ~~Potential~~  
4 ~~contractors~~ shall submit statements of qualifications and  
5 expressions of interest. The chief procurement officer shall  
6 specify a uniform format for statements of qualifications.  
7 Persons may amend these statements at any time by filing a new  
8 statement.

9 (c) Public announcement and form of request for proposals.  
10 Public notice of the need for the procurement shall be given in  
11 the form of a request for proposals and published in the  
12 Illinois Procurement Bulletin at least 14 calendar days before  
13 the date set in the request for proposals for the opening of  
14 proposals. The request for proposals shall describe the  
15 services required, list the type of information and data  
16 required of each respondent ~~offeror~~, and state the relative  
17 importance of particular qualifications.

18 (d) Discussions. The purchasing agency may conduct  
19 discussions with any respondent ~~offeror~~ who has submitted a  
20 response ~~proposal~~ to determine the respondent's ~~offeror's~~  
21 qualifications for further consideration. Discussions shall  
22 not disclose any information derived from proposals submitted  
23 by other respondents ~~offerors~~.

24 (e) Award. Award shall be made to the respondent ~~offeror~~  
25 determined in writing by the purchasing agency to be best  
26 qualified based on the evaluation factors set forth in the

1 request for proposals and negotiation of compensation  
2 determined to be fair and reasonable.

3 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

4 (30 ILCS 500/20-40)

5 Sec. 20-40. Cancellation of invitations for bids or  
6 requests for proposals. An invitation for bids, a request for  
7 proposals, or any other solicitation may be cancelled without  
8 penalty, or any and all bids, offers, or proposals, or any  
9 other solicitation may be rejected in whole or in part as may  
10 be specified in the solicitation, when it is in the best  
11 interests of the State in accordance with rules. The reasons  
12 for cancellation or rejection shall be made part of the  
13 contract file.

14 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

15 (30 ILCS 500/20-43)

16 Sec. 20-43. Bidder or offeror authorized to do business in  
17 Illinois. In addition to meeting any other requirement of law  
18 or rule, a person (other than an individual acting as a sole  
19 proprietor) may qualify as a bidder or offeror under this Code  
20 only if the person is a legal entity authorized to transact ~~do~~  
21 business or conduct affairs in Illinois prior to submitting the  
22 bid, offer, or proposal.

23 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
24 for the effective date of P.A. 96-795).)

1 (30 ILCS 500/20-50)

2 Sec. 20-50. Specifications. Specifications shall be  
3 prepared in accordance with consistent standards that are  
4 promulgated by the chief procurement officer and reviewed by  
5 the Board and the Joint Committee on Administrative Rules.  
6 Those standards shall include a prohibition against the use of  
7 brand-name only products, except for products intended for  
8 retail sale or as specified by rule. All specifications shall  
9 seek to promote overall economy for the purposes intended and  
10 encourage competition in satisfying the State's needs and shall  
11 not be unduly restrictive.

12 A solicitation or specification for a contract or a  
13 contract, including ~~a contract~~ but not limited to of a college,  
14 university, or institution under the jurisdiction of a  
15 governing board listed in Section 1-15.100, may not require,  
16 stipulate, suggest, or encourage a monetary or other financial  
17 contribution or donation, cash bonus or incentive, ~~or~~ economic  
18 investment, or other prohibited conduct as an explicit or  
19 implied term or condition for awarding or completing the  
20 contract. The contract, solicitation, or specification also  
21 may not include a requirement that an individual or individuals  
22 employed by such a college, university, or institution receive  
23 a consulting contract for professional services.

24 As used in this Section, "prohibited conduct" includes  
25 requested payments or other consideration by a third party to

1 the university or State agency that is not part of the  
2 solicitation or that is unrelated to the subject matter or  
3 purpose of the solicitation. "Prohibited conduct" does not  
4 include a payment from the vendor that is supported by  
5 additional consideration (such as exclusive rights to sell  
6 items or rights to advertise), other than the consideration of  
7 the State's awarding a contract to purchase of goods and  
8 services.

9 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
10 for the effective date of changes made by P.A. 96-795).)

11 (30 ILCS 500/20-80)

12 Sec. 20-80. Contract files.

13 (a) Written determinations. All written determinations  
14 required under this Article shall be placed in the contract  
15 file maintained by the chief procurement officer.

16 (b) Filing with Comptroller. Whenever a grant, defined  
17 pursuant to accounting standards established by the  
18 Comptroller, or a contract liability, except for: (1) contracts  
19 paid from personal services, or (2) contracts between the State  
20 and its employees to defer compensation in accordance with  
21 Article 24 of the Illinois Pension Code, exceeding \$20,000 is  
22 incurred by any State agency, a copy of the contract, purchase  
23 order, grant, or lease shall be filed with the Comptroller  
24 within 30 calendar days thereafter. Beginning January 1, 2013,  
25 the Comptroller may require that contracts and grants required

1 to be filed with the Comptroller under this Section shall be  
2 filed electronically, unless the agency is incapable of filing  
3 the contract or grant electronically because it does not  
4 possess the necessary technology or equipment. Any agency that  
5 is incapable of electronically filing its contracts or grants  
6 shall submit a written statement to the Governor and to the  
7 Comptroller attesting to the reasons for its inability to  
8 comply. This statement shall include a discussion of what the  
9 agency needs in order to effectively comply with this Section.  
10 Prior to requiring electronic filing, the Comptroller shall  
11 consult with the Governor as to the feasibility of establishing  
12 mutually agreeable technical standards for the electronic  
13 document imaging, storage, and transfer of contracts and  
14 grants, taking into consideration the technology available to  
15 that agency, best practices, and the technological  
16 capabilities of State agencies. Nothing in this amendatory Act  
17 of the 97th General Assembly shall be construed to impede the  
18 implementation of an Enterprise Resource Planning (ERP)  
19 system. For each State contract for goods, supplies, or  
20 services awarded on or after July 1, 2010, the contracting  
21 agency shall provide the applicable rate and unit of  
22 measurement of the goods, supplies, or services on the contract  
23 obligation document as required by the Comptroller. If the  
24 contract obligation document that is submitted to the  
25 Comptroller contains the rate and unit of measurement of the  
26 goods, supplies, or services, the Comptroller shall provide

1 that information on his or her official website. Any  
2 cancellation or modification to any such contract liability  
3 shall be filed with the Comptroller within 30 calendar days of  
4 its execution.

5 (c) Late filing affidavit. When a contract, purchase order,  
6 grant, or lease required to be filed by this Section has not  
7 been filed within 30 calendar days of execution, the  
8 Comptroller shall refuse to issue a warrant for payment  
9 thereunder until the agency files with the Comptroller the  
10 contract, purchase order, grant, or lease and an affidavit,  
11 signed by the chief executive officer of the agency or his or  
12 her designee, setting forth an explanation of why the contract  
13 liability was not filed within 30 calendar days of execution. A  
14 copy of this affidavit shall be filed with the Auditor General.

15 (d) Timely execution of contracts. No voucher shall be  
16 submitted to the Comptroller for a warrant to be drawn for the  
17 payment of money from the State treasury or from other funds  
18 held by the State Treasurer on account of any contract unless  
19 the contract is reduced to writing before the services are  
20 performed and filed with the Comptroller. Vendors shall not be  
21 paid for any goods that were received or services that were  
22 rendered before the contract was reduced to writing and signed  
23 by all necessary parties. A chief procurement officer may  
24 request an exception to this subsection by submitting a written  
25 statement to the Comptroller and Treasurer setting forth the  
26 circumstances and reasons why the contract could not be reduced

1 to writing before the supplies were received or services were  
2 performed. A waiver of this subsection must be approved by the  
3 Comptroller and Treasurer. This Section shall not apply to  
4 emergency purchases if notice of the emergency purchase is  
5 filed with the Procurement Policy Board and published in the  
6 Bulletin as required by this Code.

7 (e) Method of source selection. When a contract is filed  
8 with the Comptroller under this Section, the Comptroller's file  
9 shall identify the method of source selection used in obtaining  
10 the contract.

11 (Source: P.A. 96-794, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
12 Section 5 of P.A. 96-793 for the effective date of changes made  
13 by P.A. 96-795); 96-1000, eff. 7-2-10; 97-932, eff. 8-10-12.)

14 (30 ILCS 500/20-95)

15 Sec. 20-95. Donations. Nothing in this Code or in the rules  
16 promulgated under this Code shall prevent any State agency from  
17 complying with the terms and conditions of any grant, gift, or  
18 bequest that calls for the procurement of a particular good or  
19 service or the use of a particular vendor ~~contractor~~, provided  
20 that the grant, gift, or bequest provides majority funding for  
21 the contract.

22 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

23 (30 ILCS 500/20-120)

24 Sec. 20-120. Subcontractors.

1           (a) Any contract granted under this Code shall state  
2 whether the services of a subcontractor will be used. The  
3 contract shall include the names and addresses of all known  
4 subcontractors with subcontracts with an annual value of more  
5 than \$50,000, the general type of work to be performed by these  
6 subcontractors, and the expected amount of money each will  
7 receive under the contract. Upon the request of the chief  
8 procurement officer appointed pursuant to paragraph (2) of  
9 subsection (a) of Section 10-20, the contractor shall provide  
10 the chief procurement officer a copy of a subcontract so  
11 identified within 15 calendar days after the request is made. A  
12 subcontractor, or contractor on behalf of a subcontractor, may  
13 identify information that is deemed proprietary or  
14 confidential. If the chief procurement officer determines the  
15 information is not relevant to the primary contract, the chief  
16 procurement officer may excuse the inclusion of the  
17 information. If the chief procurement officer determines the  
18 information is proprietary or could harm the business interest  
19 of the subcontractor, the chief procurement officer may, in his  
20 or her discretion, redact the information. Redacted  
21 information shall not become part of the public record.

22           (b) If at any time during the term of a contract, a  
23 contractor adds or changes any subcontractors, he or she shall  
24 promptly notify, in writing, the chief procurement officer,  
25 State purchasing officer, or their designee of the names and  
26 addresses of each new or replaced subcontractor and the general

1 type of work to be performed. Upon the request of the chief  
2 procurement officer appointed pursuant to paragraph (2) of  
3 subsection (a) of Section 10-20, the contractor shall provide  
4 the chief procurement officer a copy of any new or amended  
5 subcontract so identified within 15 calendar days after the  
6 request is made.

7 (c) In addition to any other requirements of this Code, a  
8 subcontract subject to this Section must include all of the  
9 subcontractor's certifications required by Article 50 of the  
10 Code.

11 (d) This Section applies to procurements solicited on or  
12 after the effective date of this amendatory Act of the 96th  
13 General Assembly. The changes made to this Section by this  
14 amendatory Act of the 97th General Assembly apply to  
15 procurements solicited on or after the effective date of this  
16 amendatory Act of the 97th General Assembly.

17 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
18 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10;  
19 97-895, eff. 8-3-12.)

20 (30 ILCS 500/20-155)

21 Sec. 20-155. Solicitation and contract documents.

22 (a) Each chief procurement officer appointed pursuant to  
23 Section 10-20 shall have the sole authority in their respective  
24 jurisdiction to develop and distribute uniform documents for  
25 the solicitation, review, and acceptance of all bids, offers,

1 and responses and the award of contracts pursuant to this Code.  
2 If a chief procurement officer appointed pursuant to Section  
3 10-20 exercises the authority to develop and distribute uniform  
4 documents for the solicitation, review and acceptance of all  
5 bids, offers and responses and the award of contracts, then the  
6 State agency shall use the uniform documents.

7 (b) ~~(a)~~ After award of a contract and subject to provisions  
8 of the Freedom of Information Act, the procuring agency shall  
9 make available for public inspection and copying all pre-award,  
10 post-award, administration, and close-out documents relating  
11 to that particular contract.

12 (c) ~~(b)~~ A procurement file shall be maintained for all  
13 contracts, regardless of the method of procurement. The  
14 procurement file shall contain the basis on which the award is  
15 made, all submitted bids and proposals, all evaluation  
16 materials, score sheets and all other documentation related to  
17 or prepared in conjunction with evaluation, negotiation, and  
18 the award process. The procurement file shall contain a written  
19 determination, signed by the chief procurement officer or State  
20 purchasing officer, setting forth the reasoning for the  
21 contract award decision. The procurement file shall not include  
22 trade secrets or other competitively sensitive, confidential,  
23 or proprietary information. The procurement file shall be open  
24 to public inspection within 7 calendar ~~7-business~~ days  
25 following award of the contract.

26 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of changes made by P.A. 96-795); 97-895,  
2 eff. 8-3-12.)

3 (30 ILCS 500/20-160)

4 Sec. 20-160. Business entities; certification;  
5 registration with the State Board of Elections.

6 (a) For purposes of this Section, the terms "business  
7 entity", "contract", "State contract", "contract with a State  
8 agency", "State agency", "affiliated entity", and "affiliated  
9 person" have the meanings ascribed to those terms in Section  
10 50-37.

11 (b) Every bid and offer submitted to and every contract  
12 executed by the State on or after January 1, 2009 (the  
13 effective date of Public Act 95-971) and every submission to a  
14 vendor portal shall contain (1) a certification by the bidder,  
15 offeror, vendor, or contractor that either (i) the bidder,  
16 offeror, vendor, or contractor is not required to register as a  
17 business entity with the State Board of Elections pursuant to  
18 this Section or (ii) the bidder, offeror, vendor, or contractor  
19 has registered as a business entity with the State Board of  
20 Elections and acknowledges a continuing duty to update the  
21 registration and (2) a statement that the contract is voidable  
22 under Section 50-60 for the bidder's, offeror's, vendor's, or  
23 contractor's failure to comply with this Section.

24 (c) ~~Within 30 days after the effective date of this~~  
25 ~~amendatory Act of the 95th General Assembly, each~~ Each business

1 entity (i) whose aggregate bids and proposals on State  
2 contracts annually total more than \$50,000, (ii) whose  
3 aggregate bids and proposals on State contracts combined with  
4 the business entity's aggregate annual total value of State  
5 contracts exceed \$50,000, or (iii) whose contracts with State  
6 agencies, in the aggregate, annually total more than \$50,000  
7 shall register with the State Board of Elections in accordance  
8 with Section 9-35 of the Election Code. ~~A business entity~~  
9 ~~required to register under this subsection shall submit a copy~~  
10 ~~of the certificate of registration to the applicable chief~~  
11 ~~procurement officer within 90 days after the effective date of~~  
12 ~~this amendatory Act of the 95th General Assembly.~~ A business  
13 entity required to register under this subsection due to item  
14 (i) or (ii) has a continuing duty to ensure that the  
15 registration is accurate during the period beginning on the  
16 date of registration and ending on the day after the date the  
17 contract is awarded; any change in information must be reported  
18 to the State Board of Elections 5 business days following such  
19 change or no later than a day before the contract is awarded,  
20 whichever date is earlier. A business entity required to  
21 register under this subsection due to item (iii) has a  
22 continuing duty to ensure that the registration is accurate in  
23 accordance with subsection (e).

24 (d) Any business entity, not required under subsection (c)  
25 to register ~~within 30 days after the effective date of this~~  
26 ~~amendatory Act of the 95th General Assembly,~~ whose aggregate

1 bids and proposals on State contracts annually total more than  
2 \$50,000, or whose aggregate bids and proposals on State  
3 contracts combined with the business entity's aggregate annual  
4 total value of State contracts exceed \$50,000, shall register  
5 with the State Board of Elections in accordance with Section  
6 9-35 of the Election Code prior to submitting to a State agency  
7 the bid or proposal whose value causes the business entity to  
8 fall within the monetary description of this subsection. A  
9 business entity required to register under this subsection has  
10 a continuing duty to ensure that the registration is accurate  
11 during the period beginning on the date of registration and  
12 ending on the day after the date the contract is awarded. Any  
13 change in information must be reported to the State Board of  
14 Elections within 5 business days following such change or no  
15 later than a day before the contract is awarded, whichever date  
16 is earlier.

17 (e) A business entity whose contracts with State agencies,  
18 in the aggregate, annually total more than \$50,000 must  
19 maintain its registration under this Section and has a  
20 continuing duty to ensure that the registration is accurate for  
21 the duration of the term of office of the incumbent  
22 officeholder awarding the contracts or for a period of 2 years  
23 following the expiration or termination of the contracts,  
24 whichever is longer. A business entity, required to register  
25 under this subsection, has a continuing duty to report any  
26 changes on a quarterly basis to the State Board of Elections

1 within 14 calendar ~~10 business~~ days following the last day of  
2 January, April, July, and October of each year. Any update  
3 pursuant to this paragraph that is received beyond that date is  
4 presumed late and the civil penalty authorized by subsection  
5 (e) of Section 9-35 of the Election Code (10 ILCS 5/9-35) may  
6 be assessed.

7 Also, if a business entity required to register under this  
8 subsection has a pending bid or offer ~~proposal~~, any change in  
9 information shall be reported to the State Board of Elections  
10 within 7 calendar ~~5 business~~ days following such change or no  
11 later than a day before the contract is awarded, whichever date  
12 is earlier.

13 (f) A business entity's continuing duty under this Section  
14 to ensure the accuracy of its registration includes the  
15 requirement that the business entity notify the State Board of  
16 Elections of any change in information, including but not  
17 limited to changes of affiliated entities or affiliated  
18 persons.

19 (g) For any bid or offer ~~proposal~~ for a contract with a  
20 State agency by a business entity required to register under  
21 this Section, the chief procurement officer shall verify that  
22 the business entity is required to register under this Section  
23 and is in compliance with the registration requirements on the  
24 date the bid or offer ~~proposal~~ is due. A chief procurement  
25 officer shall not accept a bid or offer ~~proposal~~ if the  
26 business entity is not in compliance with the registration

1 requirements as of the date bids or offers ~~proposals~~ are due.

2 (h) A registration, and any changes to a registration, must  
3 include the business entity's verification of accuracy and  
4 subjects the business entity to the penalties of the laws of  
5 this State for perjury.

6 In addition to any penalty under Section 9-35 of the  
7 Election Code, intentional, willful, or material failure to  
8 disclose information required for registration shall render  
9 the contract, bid, offer ~~proposal~~, or other procurement  
10 relationship voidable by the chief procurement officer if he or  
11 she deems it to be in the best interest of the State of  
12 Illinois.

13 (i) This Section applies regardless of the method of source  
14 selection used in awarding the contract.

15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
16 for the effective date of changes made by P.A. 96-795); 96-848,  
17 eff. 1-1-10; 97-333, eff. 8-12-11; 97-895, eff. 8-3-12.)

18 (30 ILCS 500/25-60)

19 Sec. 25-60. Prevailing wage requirements.

20 (a) All services furnished under service contracts of  
21 \$2,000 or more or \$200 or more per month and under printing  
22 contracts shall be subject to the following prevailing wage  
23 requirements:

24 (1) Not less than the general prevailing wage rate of  
25 hourly wages for work of a similar character in the

1 locality in which the work is produced shall be paid by the  
2 successful bidder, offeror, or potential contractor ~~vendor~~  
3 to its employees who perform the work on the State  
4 contracts. The bidder, ~~or~~ offeror, potential contractor,  
5 or contractor in order to be considered to be a responsible  
6 bidder, ~~or~~ offeror, potential contractor, or contractor  
7 for the purposes of this Code, shall certify to the  
8 purchasing agency that wages to be paid to its employees  
9 are no less, and fringe benefits and working conditions of  
10 employees are not less favorable, than those prevailing in  
11 the locality where the contract is to be performed.  
12 Prevailing wages and working conditions shall be  
13 determined by the Director of the Illinois Department of  
14 Labor.

15 (2) Whenever a collective bargaining agreement is in  
16 effect between an employer, other than a governmental body,  
17 and service or printing employees as defined in this  
18 Section who are represented by a responsible organization  
19 that is in no way influenced or controlled by the  
20 management, that agreement and its provisions shall be  
21 considered as conditions prevalent in that locality and  
22 shall be the minimum requirements taken into consideration  
23 by the Director of Labor.

24 (b) As used in this Section, "services" means janitorial  
25 cleaning services, window cleaning services, building and  
26 grounds services, site technician services, natural resources

1 services, food services, and security services. "Printing"  
2 means and includes all processes and operations involved in  
3 printing, including but not limited to letterpress, offset, and  
4 gravure processes, the multilith method, photographic or other  
5 duplicating process, the operations of composition,  
6 platemaking, presswork, and binding, and the end products of  
7 those processes, methods, and operations. As used in this Code  
8 "printing" does not include photocopiers used in the course of  
9 normal business activities, photographic equipment used for  
10 geographic mapping, or printed matter that is commonly  
11 available to the general public from contractor inventory.

12 (c) The terms "general prevailing rate of hourly wages",  
13 "general prevailing rate of wages", or "prevailing rate of  
14 wages" when used in this Section mean the hourly cash wages  
15 plus fringe benefits for health and welfare, insurance,  
16 vacations, and pensions paid generally, in the locality in  
17 which the work is being performed, to employees engaged in work  
18 of a similar character.

19 (d) "Locality" shall have the meaning established by rule.

20 (e) This Section does not apply to services furnished under  
21 contracts for professional or artistic services.

22 (f) This Section does not apply to vocational programs of  
23 training for physically or mentally handicapped persons or to  
24 sheltered workshops for the severely disabled.

25 (Source: P.A. 93-370, eff. 1-1-04.)

1 (30 ILCS 500/25-65)

2 Sec. 25-65. Contracts performed outside the United States.  
3 Prior to contracting or as a requirement of solicitation of any  
4 State contracts for services as defined in Section 1-15.90,  
5 whichever is appropriate, potential contractors ~~prospective~~  
6 ~~vendors~~ shall disclose in a statement of work where services  
7 will be performed under that contract, including any  
8 subcontracts, and whether any services under that contract,  
9 including any subcontracts, are anticipated to be performed  
10 outside the United States.

11 In awarding the contract or evaluating the bid or offer,  
12 the chief procurement officer may consider such disclosure and  
13 the economic impact to the State of Illinois and its residents.

14 If the chief procurement officer awards a contract to a  
15 vendor based upon disclosure that work will be performed in the  
16 United States and during the term of the contract the  
17 contractor or a subcontractor proceeds to shift work outside of  
18 the United States, the contractor shall be deemed in breach of  
19 contract, unless the chief procurement officer shall have first  
20 determined in writing that circumstances require the shift of  
21 work or that termination of the contract would not be in the  
22 State's best interest.

23 Nothing in this Section is intended to contravene any  
24 existing treaty, law, agreement, or regulation of the United  
25 States.

26 The chief procurement officer appointed pursuant to

1 paragraph (4) of subsection (a) of Section 10-20 shall prepare  
2 and deliver to the General Assembly, no later than September 1,  
3 2015, a report on the impact of outsourcing services for State  
4 agencies subject to the jurisdiction of the chief procurement  
5 officer. The report shall include the State's cost of  
6 procurement and shall identify those contracts where it was  
7 disclosed that services were provided outside of the United  
8 States, including a description and value of those services.  
9 Each State agency subject to the jurisdiction of the chief  
10 procurement officer appointed pursuant to paragraph (4) of  
11 subsection (a) of Section 10-20 must provide the chief  
12 procurement officer the information necessary to comply with  
13 this Section on or before June 1, 2015. The requirement for  
14 reporting to the General Assembly shall be satisfied by filing  
15 copies of the report in the manner provided by Section 3.1 of  
16 the General Assembly Organization Act.

17 ~~The Department of Central Management Services shall~~  
18 ~~prepare and deliver to the General Assembly, no later than~~  
19 ~~September 1, 2007, a report on the impact of outsourcing~~  
20 ~~services on the State's cost of procurement that identifies~~  
21 ~~those contracts where it was disclosed that services were~~  
22 ~~provided outside of the United States and a description and~~  
23 ~~value of those services.~~

24 (Source: P.A. 93-1081, eff. 6-1-05.)

1           Sec. 25-80. Successor contractor ~~vendor~~. All service  
2 contracts shall include a clause requiring the bidder or  
3 offeror, in order to be considered a responsible bidder or  
4 offeror for the purposes of this Code, to certify to the  
5 purchasing agency (i) that it shall offer to assume the  
6 collective bargaining obligations of the prior employer,  
7 including any existing collective bargaining agreement with  
8 the bargaining representative of any existing collective  
9 bargaining unit or units performing substantially similar work  
10 to the services covered by the contract subject to its bid or  
11 offer, and (ii) that it shall offer employment to all employees  
12 currently employed in any existing bargaining unit performing  
13 substantially similar work that will be performed by the  
14 successor vendor.

15           This Section does not apply to heating and air conditioning  
16 service contracts, plumbing service contracts, and electrical  
17 service contracts.

18           (Source: P.A. 95-314, eff. 1-1-08.)

19           (30 ILCS 500/30-22)

20           Sec. 30-22. Construction contracts; responsible bidder  
21 requirements. To be considered a responsible bidder on a  
22 construction contract for purposes of this Code, a bidder must  
23 comply with all of the following requirements and must present  
24 satisfactory evidence of that compliance to the appropriate  
25 construction agency:

1           (1) The bidder must comply with all applicable laws  
2 concerning the bidder's entitlement to conduct business in  
3 Illinois.

4           (2) The bidder must comply with all applicable  
5 provisions of the Prevailing Wage Act.

6           (3) The bidder must comply with Subchapter VI ("Equal  
7 Employment Opportunities") of Chapter 21 of Title 42 of the  
8 United States Code (42 U.S.C. 2000e and following) and with  
9 Federal Executive Order No. 11246 as amended by Executive  
10 Order No. 11375.

11           (4) The bidder must have a valid Federal Employer  
12 Identification Number or, if an individual, a valid Social  
13 Security Number.

14           (5) The bidder must have a valid certificate of  
15 insurance showing the following coverages: general  
16 liability, professional liability, product liability,  
17 workers' compensation, completed operations, hazardous  
18 occupation, and automobile.

19           (6) The bidder and all bidder's subcontractors must  
20 participate in applicable apprenticeship and training  
21 programs approved by and registered with the United States  
22 Department of Labor's Bureau of Apprenticeship and  
23 Training.

24           (7) For contracts with the Illinois Power Agency, the  
25 Director of the Illinois Power Agency may establish  
26 additional requirements for responsible bidders. These

1 additional requirements, if established, shall be set  
2 forth together with the other criteria contained in the  
3 invitation for bids, and shall appear in the appropriate  
4 volume of the Illinois Procurement Bulletin.

5 (8) The bidder must certify ~~submit a signed affidavit~~  
6 ~~stating~~ that the bidder will maintain an Illinois office as  
7 the primary place of employment for persons employed in the  
8 construction authorized by the contract.

9 The provisions of this Section shall not apply to federally  
10 funded construction projects if such application would  
11 jeopardize the receipt or use of federal funds in support of  
12 such a project.

13 (Source: P.A. 97-369, eff. 8-15-11.)

14 (30 ILCS 500/30-30)

15 Sec. 30-30. Contracts in excess of \$250,000. For building  
16 construction contracts in excess of \$250,000, separate  
17 specifications shall be prepared for all equipment, labor, and  
18 materials in connection with the following 5 subdivisions of  
19 the work to be performed:

20 (1) plumbing;

21 (2) heating, piping, refrigeration, and automatic  
22 temperature control systems, including the testing and  
23 balancing of those systems;

24 (3) ventilating and distribution systems for  
25 conditioned air, including the testing and balancing of

1 those systems;

2 (4) electric wiring; and

3 (5) general contract work.

4 The specifications must be so drawn as to permit separate  
5 and independent bidding upon each of the 5 subdivisions of  
6 work. All contracts awarded for any part thereof shall award  
7 the 5 subdivisions of work separately to responsible and  
8 reliable persons, firms, or corporations engaged in these  
9 classes of work. The contracts, at the discretion of the  
10 construction agency, may be assigned to the successful bidder  
11 on the general contract work or to the successful bidder on the  
12 subdivision of work designated by the construction agency  
13 before the bidding as the prime subdivision of work, provided  
14 that all payments will be made directly to the contractors for  
15 the 5 subdivisions of work upon compliance with the conditions  
16 of the contract.

17 Until a date 4 years after July 1, 2011, the requirements  
18 of this Section do not apply to a construction project for  
19 which the Capital Development Board is the construction agency  
20 if: (i) the project budget is at least \$15,000,000; (ii) the  
21 Capital Development Board has submitted to the Procurement  
22 Policy Board a written request for a public hearing on waiver  
23 of the application of the requirements of this Section to that  
24 project, including its reasons for seeking the waiver and why  
25 the waiver is in the best interest of the State; (iii) the  
26 Capital Development Board has posted notice of the waiver

1 hearing on its procurement web page and on the online  
2 Procurement Bulletin at least 15 calendar ~~working~~ days before  
3 the hearing; (iv) the Procurement Policy Board, after  
4 conducting the public hearing on the waiver request, reviews  
5 and approves the request in writing before the award of the  
6 contract; (v) the successful low bidder has prequalified with  
7 the Capital Development Board; (vi) the bid of the successful  
8 low bidder identifies the name of the subcontractor, if any,  
9 and the bid proposal costs for each of the 5 subdivisions of  
10 work set forth in this Section; and (vii) the contract entered  
11 into with the successful bidder provides that no identified  
12 subcontractor may be terminated without the written consent of  
13 the Capital Development Board. With respect to any construction  
14 project described in this paragraph, the Capital Development  
15 Board shall: (i) provide to the Auditor General an affidavit  
16 that the waiver of the application of the requirements of this  
17 Section is in the best interest of the State; (ii) specify in  
18 writing as a public record that the project shall comply with  
19 the disadvantaged business practices of the Business  
20 Enterprise for Minorities, Females, and Persons with  
21 Disabilities Act and the equal employment practices of Section  
22 2-105 of the Illinois Human Rights Act; and (iii) report  
23 annually to the Governor and the General Assembly on the  
24 bidding, award, and performance. On and after January 1, 2009  
25 (the effective date of Public Act 95-758), the Capital  
26 Development Board may award in each year contracts with an

1 aggregate total value of no more than \$200,000,000 with respect  
2 to construction projects described in this paragraph.

3       Until a date 11 years after November 29, 2005 (the  
4 effective date of Public Act 94-699), the requirements of this  
5 Section do not apply to the Capitol Building HVAC upgrade  
6 project if (i) the bid of the successful bidder identifies the  
7 name of the subcontractor, if any, and the bid proposal costs  
8 for each of the 5 subdivisions of work set forth in this  
9 Section, and (ii) the contract entered into with the successful  
10 bidder provides that no identified subcontractor may be  
11 terminated without the written consent of the Capital  
12 Development Board.

13 (Source: P.A. 97-182, eff. 7-22-11; 98-431, eff. 8-16-13.)

14       (30 ILCS 500/35-30)

15       Sec. 35-30. Awards.

16       (a) All State contracts for professional and artistic  
17 services, except as provided in this Section, shall be awarded  
18 using the competitive request for proposal process outlined in  
19 this Section.

20       (b) For each contract offered, the chief procurement  
21 officer, State purchasing officer, or his or her designee shall  
22 use the appropriate standard solicitation forms available from  
23 the chief procurement officer for matters other than  
24 construction or the higher education chief procurement  
25 officer.

1 (c) Prepared forms shall be submitted to the chief  
2 procurement officer for matters other than construction or the  
3 higher education chief procurement officer, whichever is  
4 appropriate, for publication in its Illinois Procurement  
5 Bulletin and circulation to the chief procurement officer for  
6 matters other than construction or the higher education chief  
7 procurement officer's list of prequalified vendors. Notice of  
8 the offer or request for proposal shall appear at least 14  
9 calendar days before the response to the offer is due.

10 (d) All interested respondents shall return their  
11 responses to the chief procurement officer for matters other  
12 than construction or the higher education chief procurement  
13 officer, whichever is appropriate, which shall open and record  
14 them. The chief procurement officer for matters other than  
15 construction or higher education chief procurement officer  
16 then shall forward the responses, together with any information  
17 it has available about the qualifications and other State work  
18 of the respondents.

19 (e) After evaluation, ranking, and selection, the  
20 responsible chief procurement officer, State purchasing  
21 officer, or his or her designee shall notify the chief  
22 procurement officer for matters other than construction or the  
23 higher education chief procurement officer, whichever is  
24 appropriate, of the successful respondent and shall forward a  
25 copy of the signed contract for the chief procurement officer  
26 for matters other than construction or higher education chief

1 procurement officer's file. The chief procurement officer for  
2 matters other than construction or higher education chief  
3 procurement officer shall publish the names of the responsible  
4 procurement decision-maker, the agency letting the contract,  
5 the successful respondent, a contract reference, and value of  
6 the let contract in the next appropriate volume of the Illinois  
7 Procurement Bulletin.

8 (f) For all professional and artistic contracts with  
9 annualized value that exceeds \$25,000, evaluation and ranking  
10 by price are required. Any chief procurement officer or State  
11 purchasing officer, but not their designees, may select a  
12 respondent ~~an offeror~~ other than the lowest respondent ~~bidder~~  
13 by price. In any case, when the contract exceeds the \$25,000  
14 threshold and the lowest respondent ~~bidder~~ is not selected, the  
15 chief procurement officer or the State purchasing officer shall  
16 forward together with the contract notice of who the low  
17 respondent by price ~~bidder~~ was and a written decision as to why  
18 another was selected to the chief procurement officer for  
19 matters other than construction or the higher education chief  
20 procurement officer, whichever is appropriate. The chief  
21 procurement officer for matters other than construction or  
22 higher education chief procurement officer shall publish as  
23 provided in subsection (e) of Section 35-30, but shall include  
24 notice of the chief procurement officer's or State purchasing  
25 officer's written decision.

26 (g) The chief procurement officer for matters other than

1 construction and higher education chief procurement officer  
2 may each refine, but not contradict, this Section by  
3 promulgating rules for submission to the Procurement Policy  
4 Board and then to the Joint Committee on Administrative Rules.  
5 Any refinement shall be based on the principles and procedures  
6 of the federal Architect-Engineer Selection Law, Public Law  
7 92-582 Brooks Act, and the Architectural, Engineering, and Land  
8 Surveying Qualifications Based Selection Act; except that  
9 pricing shall be an integral part of the selection process.

10 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;  
11 96-920, eff. 7-1-10.)

12 (30 ILCS 500/35-40)

13 Sec. 35-40. Subcontractors.

14 (a) Any contract granted under this Article shall state  
15 whether the services of a subcontractor will be used. The  
16 contract shall include the names and addresses of all  
17 subcontractors with an annual value of more than \$50,000, the  
18 general type of work to be performed by these subcontractors,  
19 and the expected amount of money each will receive under the  
20 contract. Upon the request of the chief procurement officer  
21 appointed pursuant to paragraph (2) of subsection (a) of  
22 Section 10-20, the contractor shall provide the chief  
23 procurement officer a copy of a subcontract so identified  
24 within 15 calendar days after the request is made. A  
25 subcontractor, or contractor on behalf of a subcontractor, may

1 identify information that is deemed proprietary or  
2 confidential. If the chief procurement officer determines the  
3 information is not relevant to the primary contract, the chief  
4 procurement officer may excuse the inclusion of the  
5 information. If the chief procurement officer determines the  
6 information is proprietary or could harm the business interest  
7 of the subcontractor, the chief procurement officer may, in his  
8 or her discretion, redact the information. Redacted  
9 information shall not become part of the public record.

10 (b) If at any time during the term of a contract, a  
11 contractor adds or changes any subcontractors, he or she shall  
12 promptly notify, in writing, the chief procurement officer for  
13 matters other than construction or the higher education chief  
14 procurement officer, whichever is appropriate, and the  
15 responsible State purchasing officer, or their designee of the  
16 names and addresses and the expected amount of money each new  
17 or replaced subcontractor will receive. Upon request of the  
18 chief procurement officer appointed pursuant to paragraph (2)  
19 of subsection (a) of Section 10-20, the contractor shall  
20 provide the chief procurement officer a copy of any new or  
21 amended subcontract so identified within 15 calendar days after  
22 the request is made.

23 (c) In addition to any other requirements of this Code, a  
24 subcontract subject to this Section must include all of the  
25 subcontractor's certifications required by Article 50 of this  
26 Code.

1        (d) For purposes of this Section, the changes made by this  
2        amendatory Act of the 98th General Assembly apply to  
3        procurements solicited on or after the effective date of this  
4        amendatory Act of the 98th General Assembly.

5        (Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

6            (30 ILCS 500/40-5)

7        Sec. 40-5. Applicability. All leases for real property or  
8        capital improvements, including office and storage space,  
9        buildings, and other facilities for State agencies where the  
10       State is the lessee, shall be procured in accordance with the  
11       provisions of this Article. All State agencies, with the  
12       exception of public institutions of higher education, shall, in  
13       consultation with the Department of Central Management  
14       Services, evaluate the State's existing lease portfolio prior  
15       to engaging in a procurement for real property or capital  
16       improvements.

17        (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

18            (30 ILCS 500/40-15)

19        Sec. 40-15. Method of source selection.

20        (a) Request for information. Except as provided in  
21        subsections (b) and (c), all State contracts for leases of real  
22        property or capital improvements shall be awarded by a request  
23        for information process in accordance with Section 40-20.

24        (b) Other methods. A request for information process need

1 not be used in procuring any of the following leases:

2 (1) Property of less than 10,000 square feet with rent  
3 of less than \$100,000 per year.

4 (2) (Blank).

5 (3) Duration of less than one year that cannot be  
6 renewed.

7 (4) Specialized space available at only one location.

8 (5) Renewal or extension of a lease; provided that: (i)  
9 the chief procurement officer determines in writing that  
10 the renewal or extension is in the best interest of the  
11 State; (ii) the chief procurement officer submits his or  
12 her written determination and the renewal or extension to  
13 the Board; (iii) the Board does not object in writing to  
14 the renewal or extension within 30 calendar days after its  
15 submission; and (iv) the chief procurement officer  
16 publishes the renewal or extension in the appropriate  
17 volume of the Procurement Bulletin.

18 (c) Leases with governmental units. Leases with other  
19 governmental units may be negotiated without using the request  
20 for information process when deemed by the chief procurement  
21 officer to be in the best interest of the State.

22 (Source: P.A. 95-647, eff. 10-11-07; 96-920, eff. 7-1-10.)

23 (30 ILCS 500/40-20)

24 Sec. 40-20. Request for information.

25 (a) Conditions for use. Leases shall be procured by request

1 for information except as otherwise provided in Section 40-15.

2 (b) Form. A request for information shall be issued and  
3 shall include:

4 (1) the type of property to be leased;

5 (2) the proposed uses of the property;

6 (3) the duration of the lease;

7 (4) the preferred location of the property; and

8 (5) a general description of the configuration  
9 desired.

10 (c) Public notice. Public notice of the request for  
11 information for the availability of real property to lease  
12 shall be published in the appropriate volume of the Illinois  
13 Procurement Bulletin at least 14 calendar days before the date  
14 set forth in the request for receipt of responses and shall  
15 also be published in similar manner in a newspaper of general  
16 circulation in the community or communities where the using  
17 agency is seeking space.

18 (d) Response. The request for information response shall  
19 consist of written information sufficient to show that the  
20 respondent can meet minimum criteria set forth in the request.  
21 State purchasing officers may enter into discussions with  
22 respondents for the purpose of clarifying State needs and the  
23 information supplied by the respondents. On the basis of the  
24 information supplied and discussions, if any, a State  
25 purchasing officer shall make a written determination  
26 identifying the responses that meet the minimum criteria set

1     forth in the request for information. Negotiations shall be  
2     entered into with all qualified respondents for the purpose of  
3     securing a lease that is in the best interest of the State. A  
4     written report of the negotiations shall be retained in the  
5     lease files and shall include the reasons for the final  
6     selection. All leases shall be reduced to writing; one copy  
7     shall be filed with the Comptroller in accordance with the  
8     provisions of Section 20-80, and one copy shall be filed with  
9     the Board.

10     When the lowest response by price is not selected, the  
11     State purchasing officer shall forward to the chief procurement  
12     officer, along with the lease, notice of the identity of the  
13     lowest respondent by price and written reasons for the  
14     selection of a different response. The chief procurement  
15     officer shall publish the written reasons in the next volume of  
16     the Illinois Procurement Bulletin.

17     (e) Board review. Upon receipt of (1) any proposed lease of  
18     real property of 10,000 or more square feet or (2) any proposed  
19     lease of real property with annual rent payments of \$100,000 or  
20     more, the Procurement Policy Board shall have 30 calendar days  
21     to review the proposed lease. If the Board does not object in  
22     writing within 30 calendar days, then the proposed lease shall  
23     become effective according to its terms as submitted. The  
24     leasing agency shall make any and all materials available to  
25     the Board to assist in the review process.

26     (Source: P.A. 96-1521, eff. 2-14-11.)

1 (30 ILCS 500/40-25)

2 Sec. 40-25. Length of leases.

3 (a) Maximum term. Leases shall be for a term not to exceed  
4 10 years inclusive, beginning January, 1, 2010, of proposed  
5 contract renewals and shall include a termination option in  
6 favor of the State after 5 years.

7 (b) Renewal. Leases may include a renewal option. An option  
8 to renew may be exercised only when a State purchasing officer  
9 determines in writing that renewal is in the best interest of  
10 the State and notice of the exercise of the option is published  
11 in the appropriate volume of the Procurement Bulletin at least  
12 60 calendar days prior to the exercise of the option.

13 (c) Subject to appropriation. All leases shall recite that  
14 they are subject to termination and cancellation in any year  
15 for which the General Assembly fails to make an appropriation  
16 to make payments under the terms of the lease.

17 (d) Holdover. Beginning January 1, 2010, no lease may  
18 continue on a month-to-month or other holdover basis for a  
19 total of more than 6 months. Beginning July 1, 2010, the  
20 Comptroller shall withhold payment of leases beyond this  
21 holdover period.

22 (Source: P.A. 96-15, eff. 6-22-09; 96-795, eff. 7-1-10 (see  
23 Section 5 of P.A. 96-793 for the effective date of changes made  
24 by P.A. 96-795).)

1 (30 ILCS 500/40-55)

2 Sec. 40-55. Lessor's failure to make improvements. Each  
3 lease must provide for actual or liquidated damages ~~a penalty~~  
4 upon the lessor's failure to make improvements agreed upon in  
5 the lease. The actual or liquidated damages ~~penalty~~ shall  
6 consist of a reduction in lease payments equal to the  
7 corresponding percentage of the improvement value to the lease  
8 value. The actual or liquidated damages ~~penalty~~ shall continue  
9 until the lessor complies with the lease and the improvements  
10 are certified by the chief procurement officer and the leasing  
11 State agency.

12 (Source: P.A. 93-839, eff. 7-30-04.)

13 (30 ILCS 500/45-10)

14 Sec. 45-10. Resident bidders and offerors.

15 (a) Amount of preference. When a contract is to be awarded  
16 to the lowest responsible bidder or offeror, a resident bidder  
17 or offeror shall be allowed a preference as against a  
18 non-resident bidder or offeror from any state that gives or  
19 requires a preference to bidders or offerors from that state.  
20 The preference shall be equal to the preference given or  
21 required by the state of the non-resident bidder or offeror.  
22 Further, if only non-resident bidders or offerors are bidding,  
23 the purchasing agency is within its right to specify that  
24 Illinois labor and manufacturing locations be used as a part of  
25 the manufacturing process, if applicable. This specification

1 may be negotiated as part of the solicitation process.

2 (b) Residency. A resident bidder or offeror is a person  
3 authorized to transact business in this State and having a bona  
4 fide establishment for transacting business within this State  
5 where it was actually transacting business on the date when any  
6 bid for a public contract is first advertised or announced. A  
7 resident bidder or offeror includes a foreign corporation duly  
8 authorized to transact business in this State that has a bona  
9 fide establishment for transacting business within this State  
10 where it was actually transacting business on the date when any  
11 bid for a public contract is first advertised or announced.

12 (c) Federal funds. This Section does not apply to any  
13 contract for any project as to which federal funds are  
14 available for expenditure when its provisions may be in  
15 conflict with federal law or federal regulation.

16 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

17 (30 ILCS 500/45-20)

18 Sec. 45-20. Recycled supplies. When a public contract is to  
19 be awarded to the lowest responsible bidder or offeror, an  
20 otherwise qualified bidder or offeror who will fulfill the  
21 contract through the use of products made of recycled supplies  
22 may be given preference over other bidders or offerors unable  
23 to do so, provided that the cost included in the bid of  
24 supplies made of recycled materials does not constitute an  
25 undue economic or practical hardship.

1 (Source: P.A. 96-197, eff. 1-1-10.)

2 (30 ILCS 500/45-30)

3 Sec. 45-30. Illinois Correctional industries.

4 Notwithstanding anything to the contrary in other law, the  
5 chief procurement officer appointed pursuant to paragraph (4)  
6 of subsection (a) of Section 10-20 of the Department of Central  
7 Management Services shall, in consultation with Illinois  
8 Correctional Industries, a division of the Illinois Department  
9 of Corrections (referred to as the "Illinois Correctional  
10 Industries" or "ICI") determine for all State agencies which  
11 articles, materials, industry related services, food stuffs,  
12 and finished goods that are produced or manufactured by persons  
13 confined in institutions and facilities of the Department of  
14 Corrections who are participating in Illinois Correctional  
15 Industries programs shall be purchased from Illinois  
16 Correctional Industries. The chief procurement officer  
17 appointed pursuant to paragraph (4) of subsection (a) of  
18 Section 10-20 of Central Management Services shall develop and  
19 distribute to the various purchasing and using agencies a  
20 listing of all Illinois Correctional Industries products and  
21 procedures for implementing this Section.

22 (Source: P.A. 96-877, eff. 7-1-10; 96-943, eff. 7-1-10.)

23 (30 ILCS 500/45-35)

24 Sec. 45-35. Facilities for persons with severe

1 disabilities.

2 (a) Qualification. Supplies and services may be procured  
3 without advertising or calling for bids from any qualified  
4 not-for-profit agency for persons with severe disabilities  
5 that:

6 (1) complies with Illinois laws governing private  
7 not-for-profit organizations;

8 (2) is certified as a sheltered workshop by the Wage  
9 and Hour Division of the United States Department of Labor  
10 or is an accredited vocational program that provides  
11 transition services to youth between the ages of 14 1/2 and  
12 22 in accordance with individualized education plans under  
13 Section 14-8.03 of the School Code and that provides  
14 residential services at a child care institution, as  
15 defined under Section 2.06 of the Child Care Act of 1969,  
16 or at a group home, as defined under Section 2.16 of the  
17 Child Care Act of 1969; and

18 (3) meets the applicable Illinois Department of Human  
19 Services just standards.

20 (b) Participation. To participate, the not-for-profit  
21 agency must have indicated an interest in providing the  
22 supplies and services, must meet the specifications and needs  
23 of the using agency, and must set a fair market price.

24 (c) Committee. There is created within the Department of  
25 Central Management Services a committee to facilitate the  
26 purchase of products and services of persons so severely

1 disabled by a physical, developmental, or mental disability or  
2 a combination of any of those disabilities that they cannot  
3 engage in normal competitive employment. This committee is  
4 called the State Use Committee. The committee shall consist of  
5 the Director of the Department of Central Management Services  
6 or his or her designee, the Director of the Department of Human  
7 Services or his or her designee, one public member representing  
8 private business who is knowledgeable of the employment needs  
9 and concerns of persons with developmental disabilities, one  
10 public member representing private business who is  
11 knowledgeable of the needs and concerns of rehabilitation  
12 facilities, one public member who is knowledgeable of the  
13 employment needs and concerns of persons with developmental  
14 disabilities, one public member who is knowledgeable of the  
15 needs and concerns of rehabilitation facilities, and 2 public  
16 members from a statewide association that represents  
17 community-based rehabilitation facilities, all appointed by  
18 the Governor. The public members shall serve 2 year terms,  
19 commencing upon appointment and every 2 years thereafter. A  
20 public member may be reappointed, and vacancies shall be filled  
21 by appointment for the completion of the term. In the event  
22 there is a vacancy on the Committee, the Governor must make an  
23 appointment to fill that vacancy within 30 calendar days after  
24 the notice of vacancy. The members shall serve without  
25 compensation but shall be reimbursed for expenses at a rate  
26 equal to that of State employees on a per diem basis by the

1 Department of Central Management Services. All members shall be  
2 entitled to vote on issues before the committee.

3 The committee shall have the following powers and duties:

4 (1) To request from any State agency information as to  
5 product specification and service requirements in order to  
6 carry out its purpose.

7 (2) To meet quarterly or more often as necessary to  
8 carry out its purposes.

9 (3) To request a quarterly report from each  
10 participating qualified not-for-profit agency for persons  
11 with severe disabilities describing the volume of sales for  
12 each product or service sold under this Section.

13 (4) To prepare a report for the Governor and General  
14 Assembly no later than December 31 of each year ~~annually~~.  
15 The requirement for reporting to the General Assembly shall  
16 be satisfied by following the procedures set forth in  
17 Section 3.1 of the General Assembly Organization Act.

18 (5) To prepare a publication that lists all supplies  
19 and services currently available from any qualified  
20 not-for-profit agency for persons with severe  
21 disabilities. This list and any revisions shall be  
22 distributed to all purchasing agencies.

23 (6) To encourage diversity in supplies and services  
24 provided by qualified not-for-profit agencies for persons  
25 with severe disabilities and discourage unnecessary  
26 duplication or competition among facilities.

1           (7) To develop guidelines to be followed by qualifying  
2 agencies for participation under the provisions of this  
3 Section. The guidelines shall be developed within 6 months  
4 after the effective date of this Code and made available on  
5 a nondiscriminatory basis to all qualifying agencies.

6           (8) To review all bids submitted under the provisions  
7 of this Section and reject any bid for any purchase that is  
8 determined to be substantially more than the purchase would  
9 have cost had it been competitively bid.

10          (9) To develop a 5-year plan for increasing the number  
11 of products and services purchased from qualified  
12 not-for-profit agencies for persons with severe  
13 disabilities, including the feasibility of developing  
14 mandatory set-aside contracts. This 5-year plan must be  
15 developed no later than 180 calendar days after the  
16 effective date of this amendatory Act of the 96th General  
17 Assembly.

18          (c-5) Conditions for Use. Each chief procurement officer  
19 shall, in consultation with the State Use Committee, determine  
20 which articles, materials, services, food stuffs, and supplies  
21 that are produced, manufactured, or provided by persons with  
22 severe disabilities in qualified not-for-profit agencies shall  
23 be given preference by purchasing agencies procuring those  
24 items.

25          (d) Former committee. The committee created under  
26 subsection (c) shall replace the committee created under

1 Section 7-2 of the Illinois Purchasing Act, which shall  
2 continue to operate until the appointments under subsection (c)  
3 are made.

4 (Source: P.A. 96-634, eff. 8-24-09; 97-895, eff. 8-3-12.)

5 (30 ILCS 500/45-45)

6 Sec. 45-45. Small businesses.

7 (a) Set-asides. Each ~~The~~ chief procurement officer has  
8 authority to designate as small business set-asides a fair  
9 proportion of construction, supply, and service contracts for  
10 award to small businesses in Illinois. Advertisements for bids  
11 or offers for those contracts shall specify designation as  
12 small business set-asides. In awarding the contracts, only bids  
13 or offers from qualified small businesses shall be considered.

14 (b) Small business. "Small business" means a business that  
15 is independently owned and operated and that is not dominant in  
16 its field of operation. The chief procurement officer shall  
17 establish a detailed definition by rule, using in addition to  
18 the foregoing criteria other criteria, including the number of  
19 employees and the dollar volume of business. When computing the  
20 size status of a potential contractor bidder ~~bidder~~, annual sales and  
21 receipts of the potential contractor bidder ~~bidder~~ and all of its  
22 affiliates shall be included. The maximum number of employees  
23 and the maximum dollar volume that a small business may have  
24 under the rules promulgated by the chief procurement officer  
25 may vary from industry to industry to the extent necessary to

1 reflect differing characteristics of those industries, subject  
2 to the following limitations:

3 (1) No wholesale business is a small business if its  
4 annual sales for its most recently completed fiscal year  
5 exceed \$13,000,000 ~~\$10,000,000~~.

6 (2) No retail business or business selling services is  
7 a small business if its annual sales and receipts exceed  
8 \$8,000,000 ~~\$6,000,000~~.

9 (3) No manufacturing business is a small business if it  
10 employs more than 250 persons.

11 (4) No construction business is a small business if its  
12 annual sales and receipts exceed \$14,000,000 ~~\$10,000,000~~.

13 (c) Fair proportion. For the purpose of subsection (a), for  
14 State agencies of the executive branch, a fair proportion of  
15 construction contracts shall be no less than 25% nor more than  
16 40% of the annual total contracts for construction.

17 (d) Withdrawal of designation. A small business set-aside  
18 designation may be withdrawn by the purchasing agency when  
19 deemed in the best interests of the State. Upon withdrawal, all  
20 bids or offers shall be rejected, and the bidders or offerors  
21 shall be notified of the reason for rejection. The contract  
22 shall then be awarded in accordance with this Code without the  
23 designation of small business set-aside.

24 (e) Small business specialist. The chief procurement  
25 officer shall designate a State purchasing officer who will be  
26 responsible for engaging an experienced contract negotiator to

1 serve as its small business specialist, whose duties shall  
2 include:

3 (1) Compiling and maintaining a comprehensive ~~bidders~~  
4 list of potential small contractors ~~businesses~~. In this  
5 duty, he or she shall cooperate with the Federal Small  
6 Business Administration in locating potential sources for  
7 various products and services.

8 (2) Assisting small businesses in complying with the  
9 procedures for bidding on State contracts.

10 (3) Examining requests from State agencies for the  
11 purchase of property or services to help determine which  
12 invitations to bid are to be designated small business  
13 set-asides.

14 (4) Making recommendations to the chief procurement  
15 officer for the simplification of specifications and terms  
16 in order to increase the opportunities for small business  
17 participation.

18 (5) Assisting in investigations by purchasing agencies  
19 to determine the responsibility of bidders or offerors on  
20 small business set-asides.

21 (f) Small business annual report. The State purchasing  
22 officer designated under subsection (e) shall annually before  
23 December 1 report in writing to the General Assembly concerning  
24 the awarding of contracts to small businesses. The report shall  
25 include the total value of awards made in the preceding fiscal  
26 year under the designation of small business set-aside. The

1 report shall also include the total value of awards made to  
2 businesses owned by minorities, females, and persons with  
3 disabilities, as defined in the Business Enterprise for  
4 Minorities, Females, and Persons with Disabilities Act, in the  
5 preceding fiscal year under the designation of small business  
6 set-aside.

7 The requirement for reporting to the General Assembly shall  
8 be satisfied by filing copies of the report as required by  
9 Section 3.1 of the General Assembly Organization Act.

10 (Source: P.A. 92-60, eff. 7-12-01; 93-769, eff. 1-1-05.)

11 (30 ILCS 500/45-57)

12 Sec. 45-57. Veterans.

13 (a) Set-aside goal. It is the goal of the State to promote  
14 and encourage the continued economic development of small  
15 businesses owned and controlled by qualified veterans and that  
16 qualified service-disabled veteran-owned small businesses  
17 (referred to as SDVOSB) and veteran-owned small businesses  
18 (referred to as VOSB) participate in the State's procurement  
19 process as both prime contractors and subcontractors. Not less  
20 than 3% of the total dollar amount of State contracts, as  
21 defined by the Director of Central Management Services, shall  
22 be established as a goal to be awarded to SDVOSB and VOSB. That  
23 portion of a contract under which the contractor subcontracts  
24 with a SDVOSB or VOSB may be counted toward the goal of this  
25 subsection. The Department of Central Management Services

1 shall adopt rules to implement compliance with this subsection  
2 by all State agencies.

3 (b) Fiscal year reports. By each September 1, each chief  
4 procurement officer shall report to the Department of Central  
5 Management Services on all of the following for the immediately  
6 preceding fiscal year, and by each March 1 the Department of  
7 Central Management Services shall compile and report that  
8 information to the General Assembly:

9 (1) The total number of VOSB, and the number of SDVOSB,  
10 who submitted bids for contracts under this Code.

11 (2) The total number of VOSB, and the number of SDVOSB,  
12 who entered into contracts with the State under this Code  
13 and the total value of those contracts.

14 (c) Yearly review and recommendations. Each year, each  
15 chief procurement officer shall review the progress of all  
16 State agencies under its jurisdiction in meeting the goal  
17 described in subsection (a), with input from statewide  
18 veterans' service organizations and from the business  
19 community, including businesses owned by qualified veterans,  
20 and shall make recommendations to be included in the Department  
21 of Central Management Services' report to the General Assembly  
22 regarding continuation, increases, or decreases of the  
23 percentage goal. The recommendations shall be based upon the  
24 number of businesses that are owned by qualified veterans and  
25 on the continued need to encourage and promote businesses owned  
26 by qualified veterans.

1 (d) Governor's recommendations. To assist the State in  
2 reaching the goal described in subsection (a), the Governor  
3 shall recommend to the General Assembly changes in programs to  
4 assist businesses owned by qualified veterans.

5 (e) Definitions. As used in this Section:

6 "Armed forces of the United States" means the United States  
7 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in  
8 active duty as defined under 38 U.S.C. Section 101. Service in  
9 the Merchant Marine that constitutes active duty under Section  
10 401 of federal Public Act 95-202 shall also be considered  
11 service in the armed forces for purposes of this Section.

12 "Certification" means a determination made by the Illinois  
13 Department of Veterans' Affairs and the Department of Central  
14 Management Services that a business entity is a qualified  
15 service-disabled veteran-owned small business or a qualified  
16 veteran-owned small business for whatever purpose. A SDVOSB or  
17 VOSB owned and controlled by females, minorities, or persons  
18 with disabilities, as those terms are defined in Section 2 of  
19 the Business Enterprise for Minorities, Females, and Persons  
20 with Disabilities Act, may also select and designate whether  
21 that business is to be certified as a "female-owned business",  
22 "minority-owned business", or "business owned by a person with  
23 a disability", as defined in Section 2 of the Business  
24 Enterprise for Minorities, Females, and Persons with  
25 Disabilities Act.

26 "Control" means the exclusive, ultimate, majority, or sole

1 control of the business, including but not limited to capital  
2 investment and all other financial matters, property,  
3 acquisitions, contract negotiations, legal matters,  
4 officer-director-employee selection and comprehensive hiring,  
5 operation responsibilities, cost-control matters, income and  
6 dividend matters, financial transactions, and rights of other  
7 shareholders or joint partners. Control shall be real,  
8 substantial, and continuing, not pro forma. Control shall  
9 include the power to direct or cause the direction of the  
10 management and policies of the business and to make the  
11 day-to-day as well as major decisions in matters of policy,  
12 management, and operations. Control shall be exemplified by  
13 possessing the requisite knowledge and expertise to run the  
14 particular business, and control shall not include simple  
15 majority or absentee ownership.

16 "Qualified service-disabled veteran" means a veteran who  
17 has been found to have 10% or more service-connected disability  
18 by the United States Department of Veterans Affairs or the  
19 United States Department of Defense.

20 "Qualified service-disabled veteran-owned small business"  
21 or "SDVOSB" means a small business (i) that is at least 51%  
22 owned by one or more qualified service-disabled veterans living  
23 in Illinois or, in the case of a corporation, at least 51% of  
24 the stock of which is owned by one or more qualified  
25 service-disabled veterans living in Illinois; (ii) that has its  
26 home office in Illinois; and (iii) for which items (i) and (ii)

1 are factually verified annually by the Department of Central  
2 Management Services.

3 "Qualified veteran-owned small business" or "VOSB" means a  
4 small business (i) that is at least 51% owned by one or more  
5 qualified veterans living in Illinois or, in the case of a  
6 corporation, at least 51% of the stock of which is owned by one  
7 or more qualified veterans living in Illinois; (ii) that has  
8 its home office in Illinois; and (iii) for which items (i) and  
9 (ii) are factually verified annually by the Department of  
10 Central Management Services.

11 "Service-connected disability" means a disability incurred  
12 in the line of duty in the active military, naval, or air  
13 service as described in 38 U.S.C. 101(16).

14 "Small business" means a business that has annual gross  
15 sales of less than \$75,000,000 as evidenced by the federal  
16 income tax return of the business. A firm with gross sales in  
17 excess of this cap may apply to the Department of Central  
18 Management Services for certification for a particular  
19 contract if the firm can demonstrate that the contract would  
20 have significant impact on SDVOSB or VOSB as suppliers or  
21 subcontractors or in employment of veterans or  
22 service-disabled veterans.

23 "State agency" has the same meaning as in Section 2 of the  
24 Business Enterprise for Minorities, Females, and Persons with  
25 Disabilities Act.

26 "Time of hostilities with a foreign country" means any

1 period of time in the past, present, or future during which a  
2 declaration of war by the United States Congress has been or is  
3 in effect or during which an emergency condition has been or is  
4 in effect that is recognized by the issuance of a Presidential  
5 proclamation or a Presidential executive order and in which the  
6 armed forces expeditionary medal or other campaign service  
7 medals are awarded according to Presidential executive order.

8 "Veteran" means a person who (i) has been a member of the  
9 armed forces of the United States or, while a citizen of the  
10 United States, was a member of the armed forces of allies of  
11 the United States in time of hostilities with a foreign country  
12 and (ii) has served under one or more of the following  
13 conditions: (a) the veteran served a total of at least 6  
14 months; (b) the veteran served for the duration of hostilities  
15 regardless of the length of the engagement; (c) the veteran was  
16 discharged on the basis of hardship; or (d) the veteran was  
17 released from active duty because of a service connected  
18 disability and was discharged under honorable conditions.

19 (f) Certification program. The Illinois Department of  
20 Veterans' Affairs and the Department of Central Management  
21 Services shall work together to devise a certification  
22 procedure to assure that businesses taking advantage of this  
23 Section are legitimately classified as qualified  
24 service-disabled veteran-owned small businesses or qualified  
25 veteran-owned small businesses.

26 (g) Penalties.

1           (1) Administrative penalties. The chief procurement  
2 officers appointed pursuant to Section 10-20 ~~Department of~~  
3 ~~Central Management Services~~ shall suspend any person who  
4 commits a violation of Section 17-10.3 or subsection (d) of  
5 Section 33E-6 of ~~the Criminal Code of 1961 or~~ the Criminal  
6 Code of 2012 relating to this Section from bidding on, or  
7 participating as a contractor, subcontractor, or supplier  
8 in, any State contract or project for a period of not less  
9 than 3 years, and, if the person is certified as a  
10 service-disabled veteran-owned small business or a  
11 veteran-owned small business, then the Department shall  
12 revoke the business's certification for a period of not  
13 less than 3 years. An additional or subsequent violation  
14 shall extend the periods of suspension and revocation for a  
15 period of not less than 5 years. The suspension and  
16 revocation shall apply to the principals of the business  
17 and any subsequent business formed or financed by, or  
18 affiliated with, those principals.

19           (2) Reports of violations. Each State agency shall  
20 report any alleged violation of Section 17-10.3 or  
21 subsection (d) of Section 33E-6 of ~~the Criminal Code of~~  
22 ~~1961 or~~ the Criminal Code of 2012 relating to this Section  
23 to the chief procurement officers appointed pursuant to  
24 Section 10-20 ~~Department of Central Management Services~~.  
25 The chief procurement officers appointed pursuant to  
26 Section 10-20 ~~Department of Central Management Services~~

1 shall subsequently report all such alleged violations to  
2 the Attorney General, who shall determine whether to bring  
3 a civil action against any person for the violation.

4 (3) List of suspended persons. The chief procurement  
5 officers appointed pursuant to Section 10-20 ~~Department of~~  
6 ~~Central Management Services~~ shall monitor the status of all  
7 reported violations of Section 17-10.3 or subsection (d) of  
8 Section 33E-6 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012 relating to this Section and shall maintain  
10 and make available to all State agencies a central listing  
11 of all persons that committed violations resulting in  
12 suspension.

13 (4) Use of suspended persons. During the period of a  
14 person's suspension under paragraph (1) of this  
15 subsection, a State agency shall not enter into any  
16 contract with that person or with any contractor using the  
17 services of that person as a subcontractor.

18 (5) Duty to check list. Each State agency shall check  
19 the central listing provided by the chief procurement  
20 officers appointed pursuant to Section 10-20 ~~Department of~~  
21 ~~Central Management Services~~ under paragraph (3) of this  
22 subsection to verify that a person being awarded a contract  
23 by that State agency, or to be used as a subcontractor or  
24 supplier on a contract being awarded by that State agency,  
25 is not under suspension pursuant to paragraph (1) of this  
26 subsection.

1 (Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;  
2 98-307, eff. 8-12-13.)

3 (30 ILCS 500/45-67)

4 Sec. 45-67. Encouragement to hire qualified veterans. A  
5 chief procurement officer may, as part of any solicitation,  
6 encourage potential contractors ~~prospective vendors~~ to  
7 consider hiring qualified veterans and to notify them of any  
8 available financial incentives or other advantages associated  
9 with hiring such persons. In establishing internal guidelines  
10 in furtherance of this Section, the Department of Central  
11 Management Services may work with an interagency advisory  
12 committee consisting of representatives from the Department of  
13 Veterans Affairs, the Department of Employment Security, the  
14 Department of Commerce and Economic Opportunity, and the  
15 Department of Revenue and consisting of 8 members of the  
16 General Assembly, 2 of whom are appointed by the Speaker of the  
17 House of Representatives, 2 of whom are appointed by the  
18 President of the Senate, 2 of whom are appointed by the  
19 Minority Leader of the House of Representatives, and 2 of whom  
20 are appointed by the Minority Leader of the Senate.

21 For the purposes of this Section, "qualified veteran" means  
22 an Illinois resident who: (i) was a member of the Armed Forces  
23 of the United States, a member of the Illinois National Guard,  
24 or a member of any reserve component of the Armed Forces of the  
25 United States; (ii) served on active duty in connection with

1 Operation Desert Storm, Operation Enduring Freedom, or  
2 Operation Iraqi Freedom; and (iii) was honorably discharged.

3 The Department of Central Management Services must report  
4 to the Governor and to the General Assembly by December 31 of  
5 each year on the activities undertaken by chief procurement  
6 officers and the Department of Central Management Services to  
7 encourage potential contractors ~~prospective vendors~~ to  
8 consider hiring qualified veterans. The report must include the  
9 number of vendors who have hired qualified veterans.

10 (Source: P.A. 94-1067, eff. 8-1-06.)

11 (30 ILCS 500/45-70)

12 Sec. 45-70. Encouragement to hire ex-offenders. A chief  
13 procurement officer may, as part of any solicitation, encourage  
14 potential contractors ~~prospective vendors~~ to consider hiring  
15 Illinois residents discharged from any Illinois adult  
16 correctional center, in appropriate circumstances, and to  
17 notify them of any available financial incentives or other  
18 advantages associated with hiring such persons. In  
19 establishing internal guidelines in furtherance of this  
20 Section, the Department of Central Management Services may work  
21 with an interagency advisory committee consisting of  
22 representatives from the Department of Corrections, the  
23 Department of Employment Security, the Department of Juvenile  
24 Justice, the Department of Commerce and Economic Opportunity,  
25 and the Department of Revenue and consisting of 8 members of

1 the General Assembly, 2 of whom are appointed by the Speaker of  
2 the House of Representatives, 2 of whom are appointed by the  
3 President of the Senate, 2 of whom are appointed by the  
4 Minority Leader of the House of Representatives, and 2 of whom  
5 are appointed by the Minority Leader of the Senate.

6 The Department of Central Management Services must report  
7 to the Governor and to the General Assembly by December 31 of  
8 each year on the activities undertaken by chief procurement  
9 officers and the Department of Central Management Services to  
10 encourage potential contractors ~~prospective vendors~~ to  
11 consider hiring Illinois residents who have been discharged  
12 from an Illinois adult correctional center. The report must  
13 include the number of vendors who have hired Illinois residents  
14 who have been discharged from any Illinois adult correctional  
15 center.

16 (Source: P.A. 94-1067, eff. 8-1-06.)

17 (30 ILCS 500/50-5)

18 Sec. 50-5. Bribery.

19 (a) Prohibition. No person or business shall be awarded a  
20 contract or subcontract under this Code who:

21 (1) has been convicted under the laws of Illinois or  
22 any other state of bribery or attempting to bribe an  
23 officer or employee of the State of Illinois or any other  
24 state in that officer's or employee's official capacity; or

25 (2) has made an admission of guilt of that conduct that

1 is a matter of record but has not been prosecuted for that  
2 conduct.

3 (b) Businesses. No business shall be barred from  
4 contracting with any unit of State or local government, or  
5 subcontracting under such a contract, as a result of a  
6 conviction under this Section of any employee or agent of the  
7 business if the employee or agent is no longer employed by the  
8 business and:

9 (1) the business has been finally adjudicated not  
10 guilty; or

11 (2) the business demonstrates to the governmental  
12 entity with which it seeks to contract or which is a  
13 signatory to the contract to which the subcontract relates,  
14 and that entity finds that the commission of the offense  
15 was not authorized, requested, commanded, or performed by a  
16 director, officer, or high managerial agent on behalf of  
17 the business as provided in paragraph (2) of subsection (a)  
18 of Section 5-4 of the Criminal Code of 2012.

19 (c) Conduct on behalf of business. For purposes of this  
20 Section, when an official, agent, or employee of a business  
21 committed the bribery or attempted bribery on behalf of the  
22 business and in accordance with the direction or authorization  
23 of a responsible official of the business, the business shall  
24 be chargeable with the conduct.

25 (d) Certification. Every bid or offer submitted to every ~~to~~  
26 ~~and~~ contract executed by the State, and every subcontract

1 subject to Section 20-120 of this Code, and every vendor's  
2 submission to a vendor portal shall contain a certification by  
3 the bidder, offeror, potential contractor, contractor, or the  
4 subcontractor, respectively, that the bidder, offeror,  
5 potential contractor, contractor or subcontractor is not  
6 barred from being awarded a contract or subcontract under this  
7 Section and acknowledges that the chief procurement officer may  
8 declare the related contract void if any certifications  
9 required by this Section are false. If the false certification  
10 is made by a subcontractor, then the contractor's submitted bid  
11 or offer and the executed contract may not be declared void,  
12 unless the contractor refuses to terminate the subcontract upon  
13 the State's request after a finding that the subcontract's  
14 certification was false. A bidder, offeror, potential  
15 contractor, contractor, or subcontractor who makes a false  
16 statement, material to the certification, commits a Class 3  
17 felony.

18 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
19 for the effective date of changes made by P.A. 96-795); 97-895,  
20 eff. 8-3-12; 97-1150, eff. 1-25-13.)

21 (30 ILCS 500/50-10)

22 Sec. 50-10. Felons.

23 (a) Unless otherwise provided, no person or business  
24 convicted of a felony shall do business with the State of  
25 Illinois or any State agency, or enter into a subcontract, from

1 the date of conviction until 5 years after the date of  
2 completion of the sentence for that felony, unless no person  
3 held responsible by a prosecutorial office for the facts upon  
4 which the conviction was based continues to have any  
5 involvement with the business.

6 (b) Every bid or offer submitted to the State, every ~~and~~  
7 contract executed by the State, ~~and~~ every subcontract subject  
8 to Section 20-120 of this Code, and every vendor's submission  
9 to a vendor portal shall contain a certification by the bidder, ~~and~~  
10 offeror, potential contractor, ~~or~~ contractor, ~~and~~ or  
11 subcontractor, respectively, that the bidder, offeror,  
12 potential contractor, contractor, or subcontractor is not  
13 barred from being awarded a contract or subcontract under this  
14 Section and acknowledges that the chief procurement officer may  
15 declare the related contract void if any of the certifications  
16 required by this Section are false. If the false certification  
17 is made by a subcontractor, then the contractor's submitted bid  
18 or offer and the executed contract may not be declared void,  
19 unless the contractor refuses to terminate the subcontract upon  
20 the State's request after a finding that the subcontract's  
21 certification was false.

22 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
23 for the effective date of changes made by P.A. 96-795); 97-895,  
24 eff. 8-3-12.)

25 (30 ILCS 500/50-10.5)

1           Sec. 50-10.5. Prohibited bidders, offerors, potential  
2 contractors, and contractors.

3           (a) Unless otherwise provided, no business shall bid,   
4 offer, ~~or~~ enter into a contract or subcontract under this Code,   
5 or make a submission to a vendor portal if the business or any  
6 officer, director, partner, or other managerial agent of the  
7 business has been convicted of a felony under the  
8 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under  
9 the Illinois Securities Law of 1953 for a period of 5 years  
10 from the date of conviction.

11           (b) Every bid and offer submitted to the State, every and  
12 contract executed by the State, every vendor's submission to a  
13 vendor portal, and every subcontract subject to Section 20-120  
14 of this Code shall contain a certification by the bidder,  
15 offeror, potential contractor, contractor, or subcontractor,  
16 respectively, that the bidder, offeror, potential contractor,  
17 contractor, or subcontractor is not barred from being awarded a  
18 contract or subcontract under this Section and acknowledges  
19 that the chief procurement officer shall declare the related  
20 contract void if any of the certifications completed pursuant  
21 to this subsection (b) are false. If the false certification is  
22 made by a subcontractor, then the contractor's submitted bid or  
23 offer and the executed contract may not be declared void,  
24 unless the contractor refuses to terminate the subcontract upon  
25 the State's request after a finding that the subcontract's  
26 certification was false.

1 (c) If a business is not a natural person, the prohibition  
2 in subsection (a) applies only if:

3 (1) the business itself is convicted of a felony  
4 referenced in subsection (a); or

5 (2) the business is ordered to pay punitive damages  
6 based on the conduct of any officer, director, partner, or  
7 other managerial agent who has been convicted of a felony  
8 referenced in subsection (a).

9 (d) A natural person who is convicted of a felony  
10 referenced in subsection (a) remains subject to Section 50-10.

11 (e) No person or business shall bid, offer, make a  
12 submission to a vendor portal, or enter into a contract under  
13 this Code if the person or business assisted an employee of the  
14 State of Illinois, who, by the nature of his or her duties, has  
15 the authority to participate personally and substantially in  
16 the decision to award a State contract, by reviewing, drafting,  
17 directing, or preparing any invitation for bids, a request for  
18 proposal, or request for information or provided similar  
19 assistance except as part of a publicly issued opportunity to  
20 review drafts of all or part of these documents.

21 This subsection does not prohibit a person or business from  
22 submitting a bid or offer ~~or proposal~~ or entering into a  
23 contract if the person or business: (i) initiates a  
24 communication with an employee to provide general information  
25 about products, services, or industry best practices and, if  
26 applicable, that communication is documented in accordance

1 with Section 50-39 or (ii) responds to a communication  
2 initiated by an employee of the State for the purposes of  
3 providing information to evaluate new products, trends,  
4 services, or technologies.

5 Nothing in this Section prohibits a vendor developing  
6 technology, goods, or services from bidding or offering to  
7 supply that technology or those goods or services if the  
8 subject demonstrated to the State represents industry trends  
9 and innovation and is not specifically designed to meet the  
10 State's needs.

11 For purposes of this subsection (e), "business" includes  
12 all individuals with whom a business is affiliated, including,  
13 but not limited to, any officer, agent, employee, consultant,  
14 independent contractor, director, partner, or manager, ~~or~~  
15 ~~shareholder~~ of a business.

16 No person or business shall submit specifications to a  
17 State agency unless requested to do so by an employee of the  
18 State. No person or business who contracts with a State agency  
19 to write specifications for a particular procurement need shall  
20 submit a bid or proposal or receive a contract for that  
21 procurement need.

22 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
23 for the effective date of changes made by P.A. 96-795); 96-920,  
24 eff. 7-1-10; 97-895, eff. 8-3-12.)

25 (30 ILCS 500/50-11)

1           Sec. 50-11. Debt delinquency.

2           (a) No person shall submit a bid or offer for, ~~or~~ enter  
3 into a contract or subcontract under this Code, or make a  
4 submission to a vendor portal if that person knows or should  
5 know that he or she or any affiliate is delinquent in the  
6 payment of any debt to the State, unless the person or  
7 affiliate has entered into a deferred payment plan to pay off  
8 the debt. For purposes of this Section, the phrase "delinquent  
9 in the payment of any debt" shall be determined by the Debt  
10 Collection Bureau. For purposes of this Section, the term  
11 "affiliate" means any entity that (1) directly, indirectly, or  
12 constructively controls another entity, (2) is directly,  
13 indirectly, or constructively controlled by another entity, or  
14 (3) is subject to the control of a common entity. For purposes  
15 of this subsection (a), a person controls an entity if the  
16 person owns, directly or individually, more than 10% of the  
17 voting securities of that entity. As used in this subsection  
18 (a), the term "voting security" means a security that (1)  
19 confers upon the holder the right to vote for the election of  
20 members of the board of directors or similar governing body of  
21 the business or (2) is convertible into, or entitles the holder  
22 to receive upon its exercise, a security that confers such a  
23 right to vote. A general partnership interest is a voting  
24 security.

25           (b) Every bid and offer submitted to the State, every  
26 vendor's submission to a vendor portal, every ~~and~~ contract

1 executed by the State and every subcontract subject to Section  
2 20-120 of this Code shall contain a certification by the  
3 bidder, offeror, potential contractor, contractor, or  
4 subcontractor, respectively, that the bidder, offeror,  
5 respondent, potential contractor, contractor or the  
6 subcontractor and its affiliate is not barred from being  
7 awarded a contract or subcontract under this Section and  
8 acknowledges that the chief procurement officer may declare the  
9 related contract void if any of the certifications completed  
10 pursuant to this subsection (b) are false. If the false  
11 certification is made by a subcontractor, then the contractor's  
12 submitted bid or offer and the executed contract may not be  
13 declared void, unless the contractor refuses to terminate the  
14 subcontract upon the State's request after a finding that the  
15 subcontract's certification was false.

16 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
17 Section 5 of P.A. 96-793 for effective date of changes made by  
18 P.A. 96-795); 96-1000, eff. 7-2-10; 97-895, eff. 8-3-12.)

19 (30 ILCS 500/50-12)

20 Sec. 50-12. Collection and remittance of Illinois Use Tax.

21 (a) No person shall enter into a contract with a State  
22 agency or enter into a subcontract under this Code unless the  
23 person and all affiliates of the person collect and remit  
24 Illinois Use Tax on all sales of tangible personal property  
25 into the State of Illinois in accordance with the provisions of

1 the Illinois Use Tax Act regardless of whether the person or  
2 affiliate is a "retailer maintaining a place of business within  
3 this State" as defined in Section 2 of the Use Tax Act. For  
4 purposes of this Section, the term "affiliate" means any entity  
5 that (1) directly, indirectly, or constructively controls  
6 another entity, (2) is directly, indirectly, or constructively  
7 controlled by another entity, or (3) is subject to the control  
8 of a common entity. For purposes of this subsection (a), an  
9 entity controls another entity if it owns, directly or  
10 individually, more than 10% of the voting securities of that  
11 entity. As used in this subsection (a), the term "voting  
12 security" means a security that (1) confers upon the holder the  
13 right to vote for the election of members of the board of  
14 directors or similar governing body of the business or (2) is  
15 convertible into, or entitles the holder to receive upon its  
16 exercise, a security that confers such a right to vote. A  
17 general partnership interest is a voting security.

18 (b) Every bid and offer submitted to the State, every  
19 submission to a vendor portal, every ~~and~~ contract executed by  
20 the State and every subcontract subject to Section 20-120 of  
21 this Code shall contain a certification by the bidder, offeror,  
22 potential contractor, contractor, or subcontractor,  
23 respectively, that the bidder, offeror, respondent, potential  
24 contractor, contractor, or subcontractor is not barred from  
25 bidding for or entering into a contract under subsection (a) of  
26 this Section and acknowledges that the chief procurement

1 officer may declare the related contract void if any of the  
2 certifications completed pursuant to this subsection (b) are  
3 false. If the false certification is made by a subcontractor,  
4 then the contractor's submitted bid or offer and the executed  
5 contract may not be declared void, unless the contractor  
6 refuses to terminate the subcontract upon the State's request  
7 after a finding that the subcontract's certification was false.  
8 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
9 for the effective date of changes made by P.A. 96-795); 97-895,  
10 eff. 8-3-12.)

11 (30 ILCS 500/50-13)

12 Sec. 50-13. Conflicts of interest.

13 (a) Prohibition. It is unlawful for any person holding an  
14 elective office in this State, holding a seat in the General  
15 Assembly, or appointed to or employed in any of the offices or  
16 agencies of State government and who receives compensation for  
17 such employment in excess of 60% of the salary of the Governor  
18 of the State of Illinois, or who is an officer or employee of  
19 the Capital Development Board or the Illinois Toll Highway  
20 Authority, or who is the spouse or minor child of any such  
21 person to have or acquire any contract, or any direct pecuniary  
22 interest in any contract therein, whether for stationery,  
23 printing, paper, or any services, materials, or supplies, that  
24 will be wholly or partially satisfied by the payment of funds  
25 appropriated by the General Assembly of the State of Illinois

1 or in any contract of the Capital Development Board or the  
2 Illinois Toll Highway Authority.

3 (b) Interests. It is unlawful for any firm, partnership,  
4 association, or corporation, in which any person listed in  
5 subsection (a) is entitled to receive (i) more than 7 1/2% of  
6 the total distributable income or (ii) an amount in excess of  
7 the salary of the Governor, to have or acquire any such  
8 contract or direct pecuniary interest therein.

9 (c) Combined interests. It is unlawful for any firm,  
10 partnership, association, or corporation, in which any person  
11 listed in subsection (a) together with his or her spouse or  
12 minor children is entitled to receive (i) more than 15%, in the  
13 aggregate, of the total distributable income or (ii) an amount  
14 in excess of 2 times the salary of the Governor, to have or  
15 acquire any such contract or direct pecuniary interest therein.

16 (c-5) Appointees and firms. In addition to any provisions  
17 of this Code, the interests of certain appointees and their  
18 firms are subject to Section 3A-35 of the Illinois Governmental  
19 Ethics Act.

20 (d) Securities. Nothing in this Section invalidates the  
21 provisions of any bond or other security previously offered or  
22 to be offered for sale or sold by or for the State of Illinois.

23 (e) Prior interests. This Section does not affect the  
24 validity of any contract made between the State and an officer  
25 or employee of the State or member of the General Assembly, his  
26 or her spouse, minor child, or other immediate family member

1 living in his or her residence or any combination of those  
2 persons if that contract was in existence before his or her  
3 election or employment as an officer, member, or employee. The  
4 contract is voidable, however, if it cannot be completed within  
5 365 calendar days after the officer, member, or employee takes  
6 office or is employed.

7 (f) Exceptions.

8 (1) Public aid payments. This Section does not apply to  
9 payments made for a public aid recipient.

10 (2) Teaching. This Section does not apply to a contract  
11 for personal services as a teacher or school administrator  
12 between a member of the General Assembly or his or her  
13 spouse, or a State officer or employee or his or her  
14 spouse, and any school district, public community college  
15 district, the University of Illinois, Southern Illinois  
16 University, Illinois State University, Eastern Illinois  
17 University, Northern Illinois University, Western Illinois  
18 University, Chicago State University, Governor State  
19 University, or Northeastern Illinois University.

20 (3) Ministerial duties. This Section does not apply to  
21 a contract for personal services of a wholly ministerial  
22 character, including but not limited to services as a  
23 laborer, clerk, typist, stenographer, page, bookkeeper,  
24 receptionist, or telephone switchboard operator, made by a  
25 spouse or minor child of an elective or appointive State  
26 officer or employee or of a member of the General Assembly.

1           (4) Child and family services. This Section does not  
2           apply to payments made to a member of the General Assembly,  
3           a State officer or employee, his or her spouse or minor  
4           child acting as a foster parent, homemaker, advocate, or  
5           volunteer for or in behalf of a child or family served by  
6           the Department of Children and Family Services.

7           (5) Licensed professionals. Contracts with licensed  
8           professionals, provided they are competitively bid or part  
9           of a reimbursement program for specific, customary goods  
10          and services through the Department of Children and Family  
11          Services, the Department of Human Services, the Department  
12          of Healthcare and Family Services, the Department of Public  
13          Health, or the Department on Aging.

14          (g) Penalty. A person convicted of a violation of this  
15          Section is guilty of a business offense and shall be fined not  
16          less than \$1,000 nor more than \$5,000.

17          (Source: P.A. 95-331, eff. 8-21-07.)

18           (30 ILCS 500/50-14)

19           Sec. 50-14. Environmental Protection Act violations.

20           (a) Unless otherwise provided, no person or business found  
21           by a court or the Pollution Control Board to have committed a  
22           willful or knowing violation of the Environmental Protection  
23           Act shall do business with the State of Illinois or any State  
24           agency or enter into a subcontract that is subject to this Code  
25           from the date of the order containing the finding of violation

1 until 5 years after that date, unless the person or business  
2 can show that no person involved in the violation continues to  
3 have any involvement with the business.

4 (b) A person or business otherwise barred from doing  
5 business with the State of Illinois or any State agency or  
6 subcontracting under this Code by subsection (a) may be allowed  
7 to do business with the State of Illinois or any State agency  
8 if it is shown that there is no practicable alternative to the  
9 State to contracting with that person or business.

10 (c) Every bid or offer submitted to the State, every and  
11 contract executed by the State, every submission to a vendor  
12 portal, and every subcontract subject to Section 20-120 of this  
13 Code shall contain a certification by the bidder, offeror,  
14 potential contractor, contractor, or subcontractor,  
15 respectively, that the bidder, offeror, potential contractor,  
16 contractor, or subcontractor is not barred from being awarded a  
17 contract or subcontract under this Section and acknowledges  
18 that the contracting State agency may declare the related  
19 contract void if any of the certifications completed pursuant  
20 to this subsection (c) are false. If the false certification is  
21 made by a subcontractor, then the contractor's submitted bid or  
22 offer and the executed contract may not be declared void,  
23 unless the contractor refuses to terminate the subcontract upon  
24 the State's request after a finding that the subcontract's  
25 certification was false.

26 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of changes made by P.A. 96-795); 97-895,  
2 eff. 8-3-12.)

3 (30 ILCS 500/50-20)

4 Sec. 50-20. Exemptions. The appropriate chief procurement  
5 officer may file a request with the Executive Ethics Commission  
6 to exempt named individuals from the prohibitions of Section  
7 50-13 when, in his or her judgment, the public interest in  
8 having the individual in the service of the State outweighs the  
9 public policy evidenced in that Section. The Executive Ethics  
10 Commission may grant an exemption after a public hearing at  
11 which any person may present testimony. The chief procurement  
12 officer shall publish notice of the date, time, and location of  
13 the hearing in the online electronic Bulletin at least 14  
14 calendar days prior to the hearing and provide notice to the  
15 individual subject to the waiver and the Procurement Policy  
16 Board. The Executive Ethics Commission shall also provide  
17 public notice of the date, time, and location of the hearing on  
18 its website. If the Commission grants an exemption, the  
19 exemption is effective only if it is filed with the Secretary  
20 of State and the Comptroller prior to the execution of any  
21 contract and includes a statement setting forth the name of the  
22 individual and all the pertinent facts that would make that  
23 Section applicable, setting forth the reason for the exemption,  
24 and declaring the individual exempted from that Section. Notice  
25 of each exemption shall be published in the Illinois

1 Procurement Bulletin. A contract for which a waiver has been  
2 issued but has not been filed in accordance with this Section  
3 is voidable by the State. The changes to this Section made by  
4 this amendatory Act of the 96th General Assembly shall apply to  
5 exemptions granted on or after its effective date.

6 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
7 for the effective date of changes made by P.A. 96-795).)

8 (30 ILCS 500/50-25)

9 Sec. 50-25. Inducement. Any person who offers or pays any  
10 money or other valuable thing to any person to induce him or  
11 her not to provide a submission to a vendor portal, bid, or  
12 submit an offer for a State contract or as recompense for not  
13 having bid on or submitted an offer for a State contract or  
14 provided a submission to a vendor portal is guilty of a Class 4  
15 felony. Any person who accepts any money or other valuable  
16 thing for not bidding or submitting an offer for a State  
17 contract, not making a submission to a vendor portal, or who  
18 withholds a bid, offer, or submission to vendor portal in  
19 consideration of the promise for the payment of money or other  
20 valuable thing is guilty of a Class 4 felony.

21 (Source: P.A. 90-572, eff. 2-6-98.)

22 (30 ILCS 500/50-35)

23 Sec. 50-35. Financial disclosure and potential conflicts  
24 of interest.

1           (a) All bids and offers from responsive bidders, ~~or~~  
2 offerors, vendors, or contractors with an annual value of more  
3 than \$50,000, and all submissions to a vendor portal, \$25,000  
4 shall be accompanied by disclosure of the financial interests  
5 of the ~~contractor,~~ bidder, offeror, potential contractor, or  
6 contractor ~~or proposer~~ and each subcontractor to be used. In  
7 addition, all subcontracts identified as provided by Section  
8 20-120 of this Code with an annual value of more than \$50,000  
9 shall be accompanied by disclosure of the financial interests  
10 of each subcontractor. The financial disclosure of each  
11 successful bidder, offeror, potential contractor, or  
12 contractor ~~bidder or offeror~~ and its subcontractors shall be  
13 incorporated as a material term of the contract and shall  
14 become part of the publicly available contract or procurement  
15 file maintained by the appropriate chief procurement officer.  
16 Each disclosure under this Section shall be signed and made  
17 under penalty of perjury by an authorized officer or employee  
18 on behalf of the bidder, offeror, potential contractor,  
19 contractor, or subcontractor ~~bidder or offeror~~, and must be  
20 filed with the Procurement Policy Board.

21           (b) Disclosure shall include any ownership or distributive  
22 income share that is in excess of 5%, or an amount greater than  
23 60% of the annual salary of the Governor, of the disclosing  
24 entity or its parent entity, whichever is less, unless the  
25 ~~contractor,~~ bidder, offeror, potential contractor, contractor,  
26 or subcontractor (i) is a publicly traded entity subject to

1 Federal 10K reporting, in which case it may submit its 10K  
2 disclosure in place of the prescribed disclosure, or (ii) is a  
3 privately held entity that is exempt from Federal 10k reporting  
4 but has more than 100 ~~200~~ shareholders, in which case it may  
5 submit the information that Federal 10k reporting companies are  
6 required to report under 17 CFR 229.401 and list the names of  
7 any person or entity holding any ownership share that is in  
8 excess of 5% in place of the prescribed disclosure. The form of  
9 disclosure shall be prescribed by the applicable chief  
10 procurement officer and must include at least the names,  
11 addresses, and dollar or proportionate share of ownership of  
12 each person identified in this Section, their instrument of  
13 ownership or beneficial relationship, and notice of any  
14 potential conflict of interest resulting from the current  
15 ownership or beneficial relationship of each individual ~~person~~  
16 identified in this Section having in addition any of the  
17 following relationships:

18 (1) State employment, currently or in the previous 3  
19 years, including contractual employment of services.

20 (2) State employment of spouse, father, mother, son, or  
21 daughter, including contractual employment for services in  
22 the previous 2 years.

23 (3) Elective status; the holding of elective office of  
24 the State of Illinois, the government of the United States,  
25 any unit of local government authorized by the Constitution  
26 of the State of Illinois or the statutes of the State of

1 Illinois currently or in the previous 3 years.

2 (4) Relationship to anyone holding elective office  
3 currently or in the previous 2 years; spouse, father,  
4 mother, son, or daughter.

5 (5) Appointive office; the holding of any appointive  
6 government office of the State of Illinois, the United  
7 States of America, or any unit of local government  
8 authorized by the Constitution of the State of Illinois or  
9 the statutes of the State of Illinois, which office  
10 entitles the holder to compensation in excess of expenses  
11 incurred in the discharge of that office currently or in  
12 the previous 3 years.

13 (6) Relationship to anyone holding appointive office  
14 currently or in the previous 2 years; spouse, father,  
15 mother, son, or daughter.

16 (7) Employment, currently or in the previous 3 years,  
17 as or by any registered lobbyist of the State government.

18 (8) Relationship to anyone who is or was a registered  
19 lobbyist in the previous 2 years; spouse, father, mother,  
20 son, or daughter.

21 (9) Compensated employment, currently or in the  
22 previous 3 years, by any registered election or re-election  
23 committee registered with the Secretary of State or any  
24 county clerk in the State of Illinois, or any political  
25 action committee registered with either the Secretary of  
26 State or the Federal Board of Elections.

1           (10) Relationship to anyone; spouse, father, mother,  
2           son, or daughter; who is or was a compensated employee in  
3           the last 2 years of any registered election or re-election  
4           committee registered with the Secretary of State or any  
5           county clerk in the State of Illinois, or any political  
6           action committee registered with either the Secretary of  
7           State or the Federal Board of Elections.

8           (b-1) The disclosure required under this Section must also  
9           include the name and address of each lobbyist required to  
10          register under the Lobbyist Registration Act and other agent of  
11          the bidder, ~~or~~ offeror, potential contractor, contractor, or  
12          subcontractor who is not identified under subsections (a) and  
13          (b) and who has communicated, is communicating, or may  
14          communicate with any State officer or employee concerning the  
15          bid or offer. The disclosure under this subsection is a  
16          continuing obligation and must be promptly supplemented for  
17          accuracy throughout the process and throughout the term of the  
18          contract if the bid or offer is successful.

19          (b-2) The disclosure required under this Section must also  
20          include, for each of the persons identified in subsection (b)  
21          or (b-1), each of the following that occurred within the  
22          previous 10 years: suspension or debarment from contracting  
23          with any governmental entity; professional licensure  
24          discipline; bankruptcies; adverse civil judgments and  
25          administrative findings; and criminal felony convictions. The  
26          disclosure under this subsection is a continuing obligation and

1 must be promptly supplemented for accuracy throughout the  
2 process and throughout the term of the contract if the bid or  
3 offer is successful.

4 (c) The disclosure in subsection (b) is not intended to  
5 prohibit or prevent any contract. The disclosure is meant to  
6 fully and publicly disclose any potential conflict to the chief  
7 procurement officers, State purchasing officers, their  
8 designees, and executive officers so they may adequately  
9 discharge their duty to protect the State.

10 (d) When a potential for a conflict of interest is  
11 identified, discovered, or reasonably suspected, the chief  
12 procurement officer or State procurement officer shall send the  
13 contract to the Procurement Policy Board. In accordance with  
14 the objectives of subsection (c), if the Procurement Policy  
15 Board finds evidence of a potential conflict of interest not  
16 originally disclosed by the bidder, offeror, potential  
17 contractor, contractor, or subcontractor, the Board shall  
18 provide written notice to the bidder, offeror, potential  
19 contractor, contractor, or subcontractor that is identified,  
20 discovered, or reasonably suspected of having a potential  
21 conflict of interest. The bidder, offeror, potential  
22 contractor, contractor, or subcontractor shall have 15  
23 calendar days to respond in writing to the Board, and a hearing  
24 before the Board will be granted upon request by the bidder,  
25 offeror, potential contractor, contractor, ~~contractor's~~ or  
26 subcontractor ~~subcontractor's request,~~ at a date and time to be

1 determined by the Board, but which in no event shall occur  
2 later than 15 calendar days after the date of the request. Upon  
3 consideration, the Board shall recommend, in writing, whether  
4 to allow or void the contract, bid, offer, or subcontract  
5 weighing the best interest of the State of Illinois. All  
6 recommendations shall be submitted to the Executive Ethics  
7 Commission. The Executive Ethics Commission must hold a public  
8 hearing within 30 calendar days after receiving the Board's  
9 recommendation if the Procurement Policy Board makes a  
10 recommendation to (i) void a contract or (ii) void a bid or  
11 offer and the chief procurement officer selected or intends to  
12 award the contract to the bidder, ~~or~~ offeror, or potential  
13 contractor. A chief procurement officer is prohibited from  
14 awarding a contract before a hearing if the Board  
15 recommendation does not support a bid or offer. The  
16 recommendation and proceedings of any hearing, if applicable,  
17 shall be available to the public.

18 (e) These thresholds and disclosure do not relieve the  
19 chief procurement officer, the State purchasing officer, or  
20 their designees from reasonable care and diligence for any  
21 contract, bid, offer, or submission to a vendor portal ~~or~~  
22 ~~proposal~~. The chief procurement officer, the State purchasing  
23 officer, or their designees shall be responsible for using any  
24 reasonably known and publicly available information to  
25 discover any undisclosed potential conflict of interest and act  
26 to protect the best interest of the State of Illinois.

1 (f) Inadvertent or accidental failure to fully disclose  
2 shall render the contract, bid, offer, proposal, subcontract,  
3 or relationship voidable by the chief procurement officer if he  
4 or she deems it in the best interest of the State of Illinois  
5 and, at his or her discretion, may be cause for barring from  
6 future contracts, bids, offers, proposals, subcontracts, or  
7 relationships with the State for a period of up to 2 years.

8 (g) Intentional, willful, or material failure to disclose  
9 shall render the contract, bid, offer, proposal, subcontract,  
10 or relationship voidable by the chief procurement officer if he  
11 or she deems it in the best interest of the State of Illinois  
12 and shall result in debarment from future contracts, bids,  
13 offers, proposals, subcontracts, or relationships for a period  
14 of not less than 2 years and not more than 10 years.  
15 Reinstatement after 2 years and before 10 years must be  
16 reviewed and commented on in writing by the Governor of the  
17 State of Illinois, or by an executive ethics board or  
18 commission he or she might designate. The comment shall be  
19 returned to the responsible chief procurement officer who must  
20 rule in writing whether and when to reinstate.

21 (h) In addition, all disclosures shall note any other  
22 current or pending contracts, bids, offers, proposals,  
23 subcontracts, leases, or other ongoing procurement  
24 relationships the bidder bidding, offeror, potential  
25 contractor, contractor ~~proposing, offering~~, or subcontractor  
26 ~~subcontracting~~ entity has with any other unit of State

1 government and shall clearly identify the unit and the  
2 contract, offer, proposal, lease, or other relationship.

3 (i) The ~~contractor~~ or bidder, offeror, potential  
4 contractor, or contractor has a continuing obligation to  
5 supplement the disclosure required by this Section throughout  
6 the bidding process ~~or~~ during the term of any contract, and  
7 during the vendor portal registration process.

8 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
9 for the effective date of changes made by P.A. 96-795); 96-920,  
10 eff. 7-1-10; 97-490, eff. 8-22-11; 97-895, eff. 8-3-12.)

11 (30 ILCS 500/50-36)

12 Sec. 50-36. Disclosure of business in Iran.

13 (a) As used in this Section:

14 "Business operations" means engaging in commerce in any  
15 form in Iran, including, but not limited to, acquiring,  
16 developing, maintaining, owning, selling, possessing, leasing,  
17 or operating equipment, facilities, personnel, products,  
18 services, personal property, real property, or any other  
19 apparatus of business or commerce.

20 "Company" means any sole proprietorship, organization,  
21 association, corporation, partnership, joint venture, limited  
22 partnership, limited liability partnership, limited liability  
23 company, or other entity or business association, including all  
24 wholly owned subsidiaries, majority-owned subsidiaries, parent  
25 companies, or affiliates of those entities or business

1 associations, that exists for the purpose of making profit.

2 "Mineral-extraction activities" include exploring,  
3 extracting, processing, transporting, or wholesale selling or  
4 trading of elemental minerals or associated metal alloys or  
5 oxides (ore), including gold, copper, chromium, chromite,  
6 diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

7 "Oil-related activities" include, but are not limited to,  
8 owning rights to oil blocks; exporting, extracting, producing,  
9 refining, processing, exploring for, transporting, selling, or  
10 trading of oil; and constructing, maintaining, or operating a  
11 pipeline, refinery, or other oil-field infrastructure. The  
12 mere retail sale of gasoline and related consumer products is  
13 not considered an oil-related activity.

14 "Petroleum resources" means petroleum, petroleum  
15 byproducts, or natural gas.

16 "Substantial action" means adopting, publicizing, and  
17 implementing a formal plan to cease scrutinized business  
18 operations within one year and to refrain from any such new  
19 business operations.

20 (b) Each bid or ~~offer, or proposal~~ submitted for a State  
21 contract, other than a small purchase defined in Section 20-20,  
22 shall include a disclosure of whether or not the bidder,  
23 offeror, ~~or proposing entity,~~ or any of its corporate parents  
24 or subsidiaries, within the 24 months before submission of the  
25 bid or ~~offer, or proposal~~ had business operations that  
26 involved contracts with or provision of supplies or services to

1 the Government of Iran, companies in which the Government of  
2 Iran has any direct or indirect equity share, consortiums or  
3 projects commissioned by the Government of Iran, or companies  
4 involved in consortiums or projects commissioned by the  
5 Government of Iran and:

6 (1) more than 10% of the company's revenues produced in  
7 or assets located in Iran involve oil-related activities or  
8 mineral-extraction activities; less than 75% of the  
9 company's revenues produced in or assets located in Iran  
10 involve contracts with or provision of oil-related or  
11 mineral-extraction products or services to the Government  
12 of Iran or a project or consortium created exclusively by  
13 that government; and the company has failed to take  
14 substantial action; or

15 (2) the company has, on or after August 5, 1996, made  
16 an investment of \$20 million or more, or any combination of  
17 investments of at least \$10 million each that in the  
18 aggregate equals or exceeds \$20 million in any 12-month  
19 period, that directly or significantly contributes to the  
20 enhancement of Iran's ability to develop petroleum  
21 resources of Iran.

22 (c) A bid or ~~offer, or proposal~~ that does not include the  
23 disclosure required by subsection (b) may be given a period  
24 after the bid or offer is submitted to cure non-disclosure  
25 ~~shall not be considered responsive~~. A chief procurement officer  
26 may consider the disclosure when evaluating the bid or ~~offer,~~

1 ~~or proposal~~ or awarding the contract.

2 (d) Each chief procurement officer shall provide the State  
3 Comptroller with the name of each entity disclosed under  
4 subsection (b) as doing business or having done business in  
5 Iran. The State Comptroller shall post that information on his  
6 or her official website.

7 (Source: P.A. 95-616, eff. 1-1-08.)

8 (30 ILCS 500/50-37)

9 Sec. 50-37. Prohibition of political contributions.

10 (a) As used in this Section:

11 The terms "contract", "State contract", and "contract  
12 with a State agency" each mean any contract, as defined in  
13 this Code, between a business entity and a State agency let  
14 or awarded pursuant to this Code. The terms "contract",  
15 "State contract", and "contract with a State agency" do not  
16 include cost reimbursement contracts; purchase of care  
17 agreements as defined in Section 1-15.68 of this Code;  
18 contracts for projects eligible for full or partial  
19 federal-aid funding reimbursements authorized by the  
20 Federal Highway Administration; grants, including but are  
21 not limited to grants for job training or transportation;  
22 and grants, loans, or tax credit agreements for economic  
23 development purposes.

24 "Contribution" means a contribution as defined in  
25 Section 9-1.4 of the Election Code.

1           "Declared candidate" means a person who has filed a  
2 statement of candidacy and petition for nomination or  
3 election in the principal office of the State Board of  
4 Elections.

5           "State agency" means and includes all boards,  
6 commissions, agencies, institutions, authorities, and  
7 bodies politic and corporate of the State, created by or in  
8 accordance with the Illinois Constitution or State  
9 statute, of the executive branch of State government and  
10 does include colleges, universities, public employee  
11 retirement systems, and institutions under the  
12 jurisdiction of the governing boards of the University of  
13 Illinois, Southern Illinois University, Illinois State  
14 University, Eastern Illinois University, Northern Illinois  
15 University, Western Illinois University, Chicago State  
16 University, Governors State University, Northeastern  
17 Illinois University, and the Illinois Board of Higher  
18 Education.

19           "Officeholder" means the Governor, Lieutenant  
20 Governor, Attorney General, Secretary of State,  
21 Comptroller, or Treasurer. The Governor shall be  
22 considered the officeholder responsible for awarding all  
23 contracts by all officers and employees of, and potential  
24 contractors ~~vendors~~ and others doing business with,  
25 executive branch State agencies under the jurisdiction of  
26 the Executive Ethics Commission and not within the

1 jurisdiction of the Attorney General, the Secretary of  
2 State, the Comptroller, or the Treasurer.

3 "Sponsoring entity" means a sponsoring entity as  
4 defined in Section 9-3 of the Election Code.

5 "Affiliated person" means (i) any person with any  
6 ownership interest or distributive share of the bidding or  
7 contracting business entity in excess of 7.5%, (ii)  
8 executive employees of the bidding or contracting business  
9 entity, and (iii) the spouse of any such persons.  
10 "Affiliated person" does not include a person prohibited by  
11 federal law from making contributions or expenditures in  
12 connection with a federal, state, or local election.

13 "Affiliated entity" means (i) any corporate parent and  
14 each operating subsidiary of the bidding or contracting  
15 business entity, (ii) each operating subsidiary of the  
16 corporate parent of the bidding or contracting business  
17 entity, (iii) any organization recognized by the United  
18 States Internal Revenue Service as a tax-exempt  
19 organization described in Section 501(c) of the Internal  
20 Revenue Code of 1986 (or any successor provision of federal  
21 tax law) established by the bidding or contracting business  
22 entity, any affiliated entity of that business entity, or  
23 any affiliated person of that business entity, or (iv) any  
24 political committee for which the bidding or contracting  
25 business entity, or any 501(c) organization described in  
26 item (iii) related to that business entity, is the

1 sponsoring entity. "Affiliated entity" does not include an  
2 entity prohibited by federal law from making contributions  
3 or expenditures in connection with a federal, state, or  
4 local election.

5 "Business entity" means any entity doing business for  
6 profit, whether organized as a corporation, partnership,  
7 sole proprietorship, limited liability company or  
8 partnership, or otherwise.

9 "Executive employee" means (i) the President,  
10 Chairman, or Chief Executive Officer of a business entity  
11 and any other individual that fulfills equivalent duties as  
12 the President, Chairman of the Board, or Chief Executive  
13 Officer of a business entity; and (ii) any employee of a  
14 business entity whose compensation is determined directly,  
15 in whole or in part, by the award or payment of contracts  
16 by a State agency to the entity employing the employee. A  
17 regular salary that is paid irrespective of the award or  
18 payment of a contract with a State agency shall not  
19 constitute "compensation" under item (ii) of this  
20 definition. "Executive employee" does not include any  
21 person prohibited by federal law from making contributions  
22 or expenditures in connection with a federal, state, or  
23 local election.

24 (b) Any business entity whose contracts with State  
25 agencies, in the aggregate, annually total more than \$50,000,  
26 and any affiliated entities or affiliated persons of such

1 business entity, are prohibited from making any contributions  
2 to any political committees established to promote the  
3 candidacy of (i) the officeholder responsible for awarding the  
4 contracts or (ii) any other declared candidate for that office.  
5 This prohibition shall be effective for the duration of the  
6 term of office of the incumbent officeholder awarding the  
7 contracts or for a period of 2 years following the expiration  
8 or termination of the contracts, whichever is longer.

9 (c) Any business entity whose aggregate pending bids and  
10 offers ~~and proposals~~ on State contracts total more than  
11 \$50,000, or whose aggregate pending bids and offers on ~~and~~  
12 ~~proposals on~~ State contracts combined with the business  
13 entity's aggregate annual total value of State contracts exceed  
14 \$50,000, and any affiliated entities or affiliated persons of  
15 such business entity, are prohibited from making any  
16 contributions to any political committee established to  
17 promote the candidacy of the officeholder responsible for  
18 awarding the contract on which the business entity has  
19 submitted a bid or offer ~~or proposal~~ during the period  
20 beginning on the date the invitation for bids, ~~or~~ request for  
21 proposals, or any other procurement opportunity is issued and  
22 ending on the day after the date the contract is awarded.

23 (c-5) For the purposes of the prohibitions under  
24 subsections (b) and (c) of this Section, (i) any contribution  
25 made to a political committee established to promote the  
26 candidacy of the Governor or a declared candidate for the

1 office of Governor shall also be considered as having been made  
2 to a political committee established to promote the candidacy  
3 of the Lieutenant Governor, in the case of the Governor, or the  
4 declared candidate for Lieutenant Governor having filed a joint  
5 petition, or write-in declaration of intent, with the declared  
6 candidate for Governor, as applicable, and (ii) any  
7 contribution made to a political committee established to  
8 promote the candidacy of the Lieutenant Governor or a declared  
9 candidate for the office of Lieutenant Governor shall also be  
10 considered as having been made to a political committee  
11 established to promote the candidacy of the Governor, in the  
12 case of the Lieutenant Governor, or the declared candidate for  
13 Governor having filed a joint petition, or write-in declaration  
14 of intent, with the declared candidate for Lieutenant Governor,  
15 as applicable.

16 (d) All contracts between State agencies and a business  
17 entity that violate subsection (b) or (c) shall be voidable  
18 under Section 50-60. If a business entity violates subsection  
19 (b) 3 or more times within a 36-month period, then all  
20 contracts between State agencies and that business entity shall  
21 be void, and that business entity shall not bid or respond to  
22 any invitation to bid or request for proposals from any State  
23 agency or otherwise enter into any contract with any State  
24 agency for 3 years from the date of the last violation. A  
25 notice of each violation and the penalty imposed shall be  
26 published in both the Procurement Bulletin and the Illinois

1 Register.

2 (e) Any political committee that has received a  
3 contribution in violation of subsection (b) or (c) shall pay an  
4 amount equal to the value of the contribution to the State no  
5 more than 30 calendar days after notice of the violation  
6 concerning the contribution appears in the Illinois Register.  
7 Payments received by the State pursuant to this subsection  
8 shall be deposited into the general revenue fund.

9 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
10 for the effective date of changes made by P.A. 96-795); 96-848,  
11 eff. 1-1-10; 97-411, eff. 8-16-11.)

12 (30 ILCS 500/50-38)

13 Sec. 50-38. Lobbying restrictions.

14 (a) A person or business that is let or awarded a contract  
15 is not entitled to receive any payment, compensation, or other  
16 remuneration from the State to compensate the person or  
17 business for any expenses related to travel, lodging, or meals  
18 that are paid by the person or business to any officer, agent,  
19 employee, consultant, independent contractor, director,  
20 partner, manager, or shareholder.

21 (b) Any bidder, ~~or~~ offeror, potential contractor, or  
22 contractor on a State contract that hires a person required to  
23 register under the Lobbyist Registration Act to assist in  
24 obtaining a contract shall (i) disclose all costs, fees,  
25 compensation, reimbursements, and other remunerations paid or

1 to be paid to the lobbyist related to the contract, (ii) not  
2 bill or otherwise cause the State of Illinois to pay for any of  
3 the lobbyist's costs, fees, compensation, reimbursements, or  
4 other remuneration, and (iii) sign a verification certifying  
5 that none of the lobbyist's costs, fees, compensation,  
6 reimbursements, or other remuneration were billed to the State.  
7 This information, along with all supporting documents, shall be  
8 filed with the agency awarding the contract and with the  
9 Secretary of State. The chief procurement officer shall post  
10 this information, together with the contract award notice, in  
11 the online Procurement Bulletin.

12 (c) Ban on contingency fee. No person or entity shall  
13 retain a person or entity required to register under the  
14 Lobbyist Registration Act to attempt to influence the outcome  
15 of a procurement decision made under this Code for compensation  
16 contingent in whole or in part upon the decision or  
17 procurement. Any person who violates this subsection is guilty  
18 of a business offense and shall be fined not more than \$10,000.

19 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
20 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

21 (30 ILCS 500/50-39)

22 Sec. 50-39. Procurement communications reporting  
23 requirement.

24 (a) Any written or oral communication received by a State  
25 employee who, by the nature of his or her duties, has the

1 authority to participate personally and substantially in the  
2 decision to award a State contract and that imparts or requests  
3 material information or makes a material argument regarding  
4 potential action concerning an active procurement matter,  
5 including, but not limited to, an application, a contract, or a  
6 project, shall be reported to the Procurement Policy Board,  
7 and, with respect to the Illinois Power Agency, by the  
8 initiator of the communication, and may be reported also by the  
9 recipient.

10 Any person communicating orally, in writing,  
11 electronically, or otherwise with the Director or any person  
12 employed by, or associated with, the Illinois Power Agency to  
13 impart, solicit, or transfer any information related to the  
14 content of any power procurement plan, the manner of conducting  
15 any power procurement process, the procurement of any power  
16 supply, or the method or structure of contracting with power  
17 suppliers must disclose to the Procurement Policy Board the  
18 full nature, content, and extent of any such communication in  
19 writing by submitting a report with the following information:

20 (1) The names of any party to the communication.

21 (2) The date on which the communication occurred.

22 (3) The time at which the communication occurred.

23 (4) The duration of the communication.

24 (5) The method (written, oral, etc.) of the  
25 communication.

26 (6) A summary of the substantive content of the

1 communication.

2 These communications do not include the following: (i)  
3 statements by a person publicly made in a public forum; (ii)  
4 statements regarding matters of procedure and practice, such as  
5 format, the number of copies required, the manner of filing,  
6 and the status of a matter; (iii) statements made by a State  
7 employee of the agency to the agency head or other employees of  
8 that agency, to the employees of the Executive Ethics  
9 Commission, or to an employee of another State agency who,  
10 through the communication, is either (a) exercising his or her  
11 experience or expertise in the subject matter of the particular  
12 procurement in the normal course of business, for official  
13 purposes, and at the initiation of the purchasing agency or the  
14 appropriate State purchasing officer, or (b) exercising  
15 oversight, supervisory, or management authority over the  
16 procurement in the normal course of business and as part of  
17 official responsibilities; (iv) unsolicited communications  
18 providing general information about products, services, or  
19 industry best practices before those products or services  
20 become involved in a procurement matter; (v) communications  
21 received in response to procurement solicitations, including,  
22 but not limited to, vendor responses to a request for  
23 information, request for proposal, request for qualifications,  
24 invitation for bid, or a small purchase, sole source, or  
25 emergency solicitation, or questions and answers posted to the  
26 Illinois Procurement Bulletin to supplement the procurement

1 action, provided that the communications are made in accordance  
2 with the instructions contained in the procurement  
3 solicitation, procedures, or guidelines; (vi) communications  
4 that are privileged, protected, or confidential under law; and  
5 (vii) communications that are part of a formal procurement  
6 process as set out by statute, rule, or the solicitation,  
7 guidelines, or procedures, including, but not limited to, the  
8 posting of procurement opportunities, the process for  
9 approving a procurement business case or its equivalent, fiscal  
10 approval, submission of bids, the finalizing of contract terms  
11 and conditions with an awardee or apparent awardee, and similar  
12 formal procurement processes. The provisions of this Section  
13 shall not apply to communications regarding the administration  
14 and implementation of an existing contract, except  
15 communications regarding change orders or the renewal or  
16 extension of a contract.

17 (b) The report required by subsection (a) shall be  
18 submitted monthly and include at least the following: (i) the  
19 date and time of each communication; (ii) the identity of each  
20 person from whom the written or oral communication was  
21 received, the individual or entity represented by that person,  
22 and any action the person requested or recommended; (iii) the  
23 identity and job title of the person to whom each communication  
24 was made; (iv) if a response is made, the identity and job  
25 title of the person making each response; (v) a detailed  
26 summary of the points made by each person involved in the

1 communication; (vi) the duration of the communication; (vii)  
2 the location or locations of all persons involved in the  
3 communication and, if the communication occurred by telephone,  
4 the telephone numbers for the callers and recipients of the  
5 communication; and (viii) any other pertinent information. No  
6 trade secrets or other proprietary or confidential information  
7 shall be included in any communication reported to the  
8 Procurement Policy Board.

9 (c) Additionally, when an oral communication made by a  
10 person required to register under the Lobbyist Registration Act  
11 is received by a State employee that is covered under this  
12 Section, all individuals who initiate or participate in the  
13 oral communication shall submit a written report to that State  
14 employee that memorializes the communication and includes, but  
15 is not limited to, the items listed in subsection (b).

16 (d) The Procurement Policy Board shall make each report  
17 submitted pursuant to this Section available on its website  
18 within 7 calendar days after its receipt of the report. The  
19 Procurement Policy Board may promulgate rules to ensure  
20 compliance with this Section.

21 (e) The reporting requirements shall also be conveyed  
22 through ethics training under the State Officials and Employees  
23 Ethics Act. An employee who knowingly and intentionally  
24 violates this Section shall be subject to suspension or  
25 discharge. The Executive Ethics Commission shall promulgate  
26 rules, including emergency rules, to implement this Section.

1 (f) This Section becomes operative on January 1, 2011.

2 (g) For purposes of this Section:

3 "Active procurement matter" means a procurement process  
4 beginning with requisition or determination of need by an  
5 agency and continuing through the publication of an award  
6 notice or other completion of a final procurement action, the  
7 resolution of any protests, and the expiration of any protest  
8 or Procurement Policy Board review period, if applicable.  
9 "Active procurement matter" also includes communications  
10 relating to change orders, renewals, or extensions.

11 "Material information" means information that a reasonable  
12 person would deem important in determining his or her course of  
13 action and pertains to significant issues, including, but not  
14 limited to, price, quantity, and terms of payment or  
15 performance.

16 "Material argument" means a communication that a  
17 reasonable person would believe was made for the purpose of  
18 influencing a decision relating to a procurement matter.  
19 "Material argument" does not include general information about  
20 products, services, or industry best practices or a response to  
21 a communication initiated by an employee of the State for the  
22 purposes of providing information to evaluate new products,  
23 trends, services, or technologies.

24 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
25 for the effective date of changes made by P.A. 96-795); 96-920,  
26 eff. 7-1-10; 97-333, eff. 8-12-11; 97-618, eff. 10-26-11;

1 97-895, eff. 8-3-12.)

2 (30 ILCS 500/50-40)

3 Sec. 50-40. Reporting anticompetitive practices. When, for  
4 any reason, any vendor, bidder, offeror, potential contractor,  
5 contractor, chief procurement officer, State purchasing  
6 officer, designee, elected official, or State employee  
7 suspects collusion or other anticompetitive practice among any  
8 bidders, offerors, potential contractors, contractors,  
9 ~~proposers,~~ or employees of the State, a notice of the relevant  
10 facts shall be transmitted to the Attorney General and the  
11 chief procurement officer.

12 (Source: P.A. 90-572, eff. 2-6-98.)

13 (30 ILCS 500/50-45)

14 Sec. 50-45. Confidentiality. Any chief procurement  
15 officer, State purchasing officer, designee, or executive  
16 officer who willfully uses or allows the use of specifications,  
17 competitive solicitation ~~bid~~ documents, proprietary  
18 competitive information, ~~proposals,~~ contracts, or selection  
19 information to compromise the fairness or integrity of the  
20 procurement, ~~bidding,~~ or contract process shall be subject to  
21 immediate dismissal, regardless of the Personnel Code, any  
22 contract, or any collective bargaining agreement, and may in  
23 addition be subject to criminal prosecution.

24 (Source: P.A. 90-572, eff. 2-6-98.)

1 (30 ILCS 500/50-70)

2 Sec. 50-70. Additional provisions. This Code is subject to  
3 applicable provisions of the following Acts:

4 (1) Article 33E of the Criminal Code of 2012;

5 (2) the Illinois Human Rights Act;

6 (3) the Discriminatory Club Act;

7 (4) the Illinois Governmental Ethics Act;

8 (5) the State Prompt Payment Act;

9 (6) the Public Officer Prohibited Activities Act;

10 (7) the Drug Free Workplace Act;

11 (8) the Illinois Power Agency Act;

12 (9) the Employee Classification Act; ~~and~~

13 (10) the State Officials and Employees Ethics Act; and

14 (11) the Department of Employment Security Law.

15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
16 for the effective date of changes made by P.A. 96-795);  
17 97-1150, eff. 1-25-13.)

18 (30 ILCS 500/55-10)

19 Sec. 55-10. Exclusive exercise of powers. On and after 120  
20 calendar days following the effective date of this Act, the  
21 powers granted under this Code shall be exercised exclusively  
22 as granted under this Code, and no State agency may  
23 concurrently exercise any such power, unless specifically  
24 authorized otherwise by a later enacted law. This Code is not

1 intended to impair any contract entered into before the  
2 effective date of this Act.

3 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

4 Section 10. The Small Business Contracts Act is amended by  
5 changing Section 5 and by adding Sections 12 and 25 as follows:

6 (30 ILCS 503/5)

7 Sec. 5. Definitions. For the purposes of this Act, the  
8 following terms shall have the following definitions:

9 "Small business" means a small business as defined in the  
10 Illinois Procurement Code.

11 "State contract" means a State contract, as defined in the  
12 Illinois Procurement Code, funded with State or federal funds,  
13 whether competitively bid or negotiated.

14 "State official or agency" means a department, officer,  
15 board, commission, institution, or body politic or corporate of  
16 the State.

17 "Subcontract" means a subcontract, as defined in the  
18 Illinois Procurement Code, funded with State or federal funds,  
19 whether competitively bid or negotiated.

20 (Source: P.A. 97-307, eff. 8-11-11.)

21 (30 ILCS 503/12 new)

22 Sec. 12. Chief procurement officers; presentation. During  
23 each fiscal year, the chief procurement officers appointed

1 pursuant to Section 10-20 of the Illinois Procurement Code,  
2 individually or as a group, may provide presentations at which  
3 small businesses may learn about the contracting process and  
4 how to apply for contracts.

5 (30 ILCS 503/25 new)

6 Sec. 25. Rulemaking. Subject to the rule making provision  
7 of the Illinois Administrative Procedure Act, each chief  
8 procurement officer may adopt rules to implement and administer  
9 this Act.

10 Section 15. The Governmental Joint Purchasing Act is  
11 amended by changing Sections 1, 3, and 4 as follows:

12 (30 ILCS 525/1) (from Ch. 85, par. 1601)

13 Sec. 1. For the purposes of this Act, "governmental unit"  
14 means State of Illinois, any State agency as defined in Section  
15 1-15.100 of the Illinois Procurement Code, officers of the  
16 State of Illinois, any public authority which has the power to  
17 tax, or any other public entity created by statute.

18 (Source: P.A. 86-769.)

19 (30 ILCS 525/3) (from Ch. 85, par. 1603)

20 Sec. 3. Conduct of competitive procurement ~~selection~~.  
21 Under any agreement of governmental units that desire to make  
22 joint purchases pursuant to subsection (a) of Section 2, one of

1 the governmental units shall conduct the competitive  
2 procurement ~~selection~~ process. Where the State of Illinois is a  
3 party to the joint purchase agreement, the appropriate chief  
4 procurement officer shall conduct or authorize the competitive  
5 procurement ~~selection~~ process. Expenses of such competitive  
6 procurement ~~selection~~ process may be shared by the  
7 participating governmental units in proportion to the amount of  
8 personal property, supplies or services each unit purchases.

9 When the State of Illinois is a party to the joint purchase  
10 agreement pursuant to subsection (a) of Section 2, the  
11 acceptance of responses to the competitive procurement  
12 ~~selection~~ process shall be in accordance with the Illinois  
13 Procurement Code and rules promulgated under that Code. When  
14 the State of Illinois is not a party to the joint purchase  
15 agreement, the acceptance of responses to the competitive  
16 procurement ~~selection~~ process shall be governed by the  
17 agreement.

18 When the State of Illinois is a party to a joint purchase  
19 agreement pursuant to subsection (a-5) of Section 2, the State  
20 may act as the lead state or as a participant state. When the  
21 State of Illinois is the lead state, all such joint purchases  
22 shall be conducted in accordance with the Illinois Procurement  
23 Code. When Illinois is a participant state, all such joint  
24 purchases shall be conducted in accordance with the procurement  
25 laws of the lead state; provided that all such joint  
26 procurements must be by competitive solicitation process. All

1 resulting awards shall be published in the appropriate volume  
2 of the Illinois Procurement Bulletin as may be required by  
3 Illinois law governing publication of the solicitation,  
4 protest, and award of Illinois State contracts. Contracts  
5 resulting from a joint purchase shall contain all provisions  
6 required by Illinois law and rule.

7 The personal property, supplies or services involved shall  
8 be distributed or rendered directly to each governmental unit  
9 taking part in the purchase. The person selling the personal  
10 property, supplies or services may bill each governmental unit  
11 separately for its proportionate share of the cost of the  
12 personal property, supplies or services purchased.

13 The credit or liability of each governmental unit shall  
14 remain separate and distinct. Disputes between bidders and  
15 governmental units shall be resolved between the immediate  
16 parties.

17 (Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

18 (30 ILCS 525/4) (from Ch. 85, par. 1604)

19 Sec. 4. Bids, offers, and small purchases ~~and proposals~~.  
20 The purchases of all personal property, supplies and services  
21 under this Act, except for small purchases, shall be based on  
22 competitive solicitations and shall follow the same procedures  
23 used for competitive solicitations made pursuant to the  
24 Illinois Procurement Code. For purchases pursuant to  
25 subsection (a) of Section 2, bids and offers ~~and proposals~~

1 shall be solicited by public notice inserted at least once in a  
2 newspaper of general circulation in one of the counties where  
3 the materials are to be used and at least 5 calendar days  
4 before the final date of submitting bids or offers ~~or~~  
5 ~~proposals~~. Where the State of Illinois is a party to the joint  
6 purchase agreement, public notice soliciting the bids or offers  
7 shall be published in the appropriate volume of the Illinois  
8 Procurement Bulletin. Such notice shall include a general  
9 description of the personal property, supplies or services to  
10 be purchased and shall state where all blanks and  
11 specifications may be obtained and the time and place for the  
12 opening of bids and offers ~~and proposals~~. The governmental unit  
13 conducting the competitive procurement ~~selection~~ process may  
14 also solicit sealed bids or offers ~~or proposals~~ by sending  
15 requests by mail to potential contractors ~~prospective~~  
16 ~~suppliers~~ and by posting notices on a public bulletin board in  
17 its office. Small purchases pursuant to this Section shall  
18 follow the same procedure used for small purchases in Section  
19 20-20 of the Illinois Procurement Code.

20 All purchases, orders or contracts shall be awarded to the  
21 lowest responsible bidder or highest-ranked offeror ~~proposer~~,  
22 taking into consideration the qualities of the articles or  
23 services supplied, their conformity with the specifications,  
24 their suitability to the requirements of the participating  
25 governmental units and the delivery terms.

26 Where the State of Illinois is not a party, all bids or

1 offers ~~or proposals~~ may be rejected and new bids or offers ~~or~~  
2 ~~proposals~~ solicited if one or more of the participating  
3 governmental units believes the public interest may be served  
4 thereby. Each bid or offer, ~~or proposal,~~ with the name of the  
5 bidder or offeror, ~~or proposer,~~ shall be entered on a record,  
6 which record with the successful bid or offer, ~~or proposal~~  
7 indicated thereon shall, after the award of the purchase or  
8 order or contract, be open to public inspection. A copy of all  
9 contracts shall be filed with the purchasing office or clerk or  
10 secretary of each participating governmental unit.

11 (Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

12 Section 20. The Discriminatory Club Act is amended by  
13 changing Section 2 as follows:

14 (775 ILCS 25/2) (from Ch. 68, par. 102)

15 Sec. 2. No private organization which sells goods or  
16 services to the State pursuant to the ~~The~~ Illinois Procurement  
17 Code ~~Purchasing Act,~~ nor any private organization which  
18 receives any award or grant from the State, nor any public body  
19 may pay any dues or fees on behalf of its employees or agents  
20 or may subsidize or otherwise reimburse them for payments of  
21 their dues or fees to any discriminating club. The Illinois  
22 Department of Human Rights shall enforce this Section.

23 (Source: P.A. 85-909.)

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 99. Effective date. This Act takes effect January  
9 1, 2015.